

Pa., in place of M. F. Moyer. Incumbent's commission expires January 28, 1901.

Edwin S. Holcomb, to be postmaster at Westfield, Tioga County, Pa., in place of Frank Strang. Incumbent's commission expired January 7, 1900.

John P. Little, to be postmaster at Clinton, Laurens County, S. C., in place of John P. Little. Incumbent's commission expired January 15, 1900. Reappointed.

Joseph C. Hale, to be postmaster at Winchester, Franklin County, Tenn., in place of E. L. Drake. Incumbent's commission expired January 18, 1901.

Martin A. Lien, to be postmaster at Black River Falls, Jackson County, Wis., in place of David Thompson. Incumbent's commission expired January 12, 1901.

Oliver W. Babeock, to be postmaster at Omro, Winnebago County, Wis., in place of H. L. Waite. Incumbent's commission expires January 28, 1901.

Jacob G. Bickly, to be postmaster at Texarkana, Miller County, Ark., in place of B. M. Foreman, resigned.

H. C. Foster, to be postmaster at Corona, Riverside County, Cal., in place of C. H. Cornell, resigned.

James Longstreet Sibley, to be postmaster at Milledgeville, Baldwin County, Ga., in place of C. G. Wilson, removed.

John S. Sweeney, to be postmaster at Paris, Bourbon County, Ky., in place of J. L. Bosley, removed.

Ferdinand B. Earhart, to be postmaster at New Orleans, Orleans Parish, La., in place of J. R. G. Pitkin, resigned.

Leonard A. Saville, to be postmaster at Lexington, Middlesex County, Mass., in place of L. G. Babcock, deceased.

T. B. Horton, to be postmaster at Stewartville, Olmsted County, Minn., in place of E. S. Wooldridge, deceased.

Simon S. Matthews, to be postmaster at Hazlehurst, Copiah County, Miss., in place of M. C. Matthews, deceased.

Elizabeth C. Cox, to be postmaster at Adrian, Bates County, Mo., in place of J. M. Cox, deceased.

Alexander T. Boothe, to be postmaster at Pierce City, Lawrence County, Mo., in place of G. A. Purdy, deceased.

George Williams, to be postmaster at Cambridge, Furnas County, Nebr., in place of E. R. Bee, resigned.

Henry Graham, to be postmaster at Bridgeton, Cumberland County, N. J., in place of C. H. Pierson, removed.

William T. Corlies, to be postmaster at Red Bank, Monmouth County, N. J., in place of William Pentard, removed.

Joseph F. Stephens, to be postmaster at Highland Falls, Orange County, N. Y., in place of J. E. Brennan, deceased.

Marion O. Martin, to be postmaster at Honeoye Falls, Monroe County, N. Y., in place of William Martin, deceased.

Ernest J. Robinson, to be postmaster at Plattsburg, Clinton County, N. Y., in place of F. F. Hathaway, deceased.

Victoria L. Martin, to be postmaster at Tarboro, Edgecombe County, N. C., in place of J. J. Martin, deceased.

Charles A. Reynolds, to be postmaster at Winston-Salem, Forsyth County, N. C., in place of P. H. Lybrook, deceased.

Alice Davidson, to be postmaster at Wahpeton, Richland County, N. Dak., in place of D. R. Davidson, deceased.

Robert A. Todd, to be postmaster at Ellwood City, Lawrence County, Pa., in place of H. S. Blatt, resigned.

S. Clay Miller, to be postmaster at Lancaster, Lancaster County, Pa., in place of A. C. Reineohl, deceased.

James H. Patterson, to be postmaster at Sharpsburg, Allegheny County, Pa., in place of C. E. Redman, removed.

Robert A. Etter, to be postmaster at Monroe, Green County, Wis., in place of C. A. Booth, resigned.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 26, 1901.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that the House nonconcur in the amendments of the Senate to the bill H. R. 12291, being the legislative appropriation bill, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the House disagree to the amendments of the Senate to the legislative appropriation bill and ask a conference with the Senate on the disagreeing votes thereon. Is there objection?

There was no objection.

The SPEAKER announced the appointment of the managers on the part of the House, as follows: Mr. BINGHAM, Mr. HEMENWAY, and Mr. LIVINGSTON.

CODIFICATION OF THE POSTAL LAWS.

Mr. LOUD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13423, being the postal codification bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. LAWRENCE in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read section 289 of the bill, as follows:

SEC. 289. That all contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest bidder tendering sufficient guaranties for faithful performance; but the Postmaster-General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract.

Mr. LATIMER. I wish to offer an amendment, Mr. Chairman, to this section.

The CHAIRMAN. The Chair will state that several amendments are already pending, as the Chair is informed, to this section.

Mr. LOUD. There is so much confusion, Mr. Chairman, that it is impossible to understand what the Chair states. I wish to ask if there are not two or three amendments already sent up, some time ago, which are supposed to be pending to this section?

The CHAIRMAN. There are, and the Chair will direct the Clerk to read the first amendment, presented by the gentleman from Georgia [Mr. MADDOX].

The Clerk read as follows:

Amend, in line 20, page 125, section 289 of the bill, after the word "general," by inserting:

"Shall prescribe the manner in which said mail shall be conveyed," etc.

Mr. LOUD. Who offered that amendment?

The CHAIRMAN. That amendment was offered by the gentleman from Georgia [Mr. MADDOX]. The question is on the adoption of the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment, proposed by the gentleman from South Carolina [Mr. LATIMER]. The Clerk read as follows:

Insert, after the word "performance," in line 20, section 289, on page 125 of the bill, as follows:

"Provided, That no contract for carrying the mails, by star-route service from post-office to post-office within the United States, shall be let to any person or persons not a resident of the county in which the route or a part thereof lies."

Mr. LATIMER. Mr. Chairman, the trouble under the present law is that the contractors who take these contracts for carrying the mails are the lowest bidders, and they sublet them to irresponsible parties, and the people suffer by reason of not having adequate mail service or mail facilities along these routes.

I have inquired into this subject, Mr. Chairman, with the hope that I might be able to withdraw this amendment and allow the codification of the laws as they have been presented here to pass the House and not offer any further amendment; but I find that it is utterly impossible to secure an amendment of the law in any other way. If we offer this amendment to the Post-Office appropriation bill when it comes into the House, it is subject to a point of order.

This evil exists all over the United States, in every part of our country. Complaint is made to the Representatives in Congress, and they go to the Post-Office Department and find that it is utterly impossible to remedy this evil. A contractor living in Virginia, for instance, will take all the contracts in the Southern States. Then he sends out his agents through the country. They sublet these contracts to irresponsible parties. I have two letters, which have come to me within the last few days, from people along these lines where this mail is carried, where the irresponsible contractor who has taken a subcontract has lost his horse, and, being unable to purchase another, is now delivering the mail two or three hours late, carrying it on foot, so that the people are suffering by reason of the failure to carry out the contract. If you go to the Post-Office Department for a remedy, the statement of the Second Assistant Postmaster-General is that he has let the contract to the lowest bidder, according to law. He has carried out the law, and we are powerless to remedy these evils. Now, I want to say that, if we pass this amendment, it is in conformity with the rule issued by the Second Assistant Postmaster-General.

He realizes the evil that the people of this country are suffering by reason of the present law, and has issued this order; but it has been held by some lawyers on this floor that it is a violation of existing laws, that he has no right to let these contracts to residents if he receives a lower bid from some other section of the country. What we desire is to pass this amendment, so that the Postmaster-General will be required to let these contracts to residents who live along the line where the mail is carried. If we do this, I am satisfied that we will have better service throughout

the country; and men will take these contracts who are in sympathy with the people in the communities where the mail is delivered. Then if they fail to perform good service we have some remedy; we can reach these men if they fail to carry out their contract.

The present policy is a shaving scheme, by which some men are making immense amounts of money out of this Government, while the people suffer by reason of the bad contracts that may be let. I hope this House will adopt this amendment, so that the Postmaster-General in the future will be forbidden to let contracts to carriers unless they live along the route over which the mail is to be carried.

Mr. KITCHIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KITCHIN. Is not an amendment pending, offered by the gentleman from Georgia [Mr. MADDOX] to this section?

The CHAIRMAN. There is such an amendment, and it will be brought to the attention of the committee as soon as this one is disposed of.

Mr. TALBERT. Mr. Chairman, I hope this amendment offered by my colleague [Mr. LATIMER] will prevail. It will correct a great abuse which has existed for a number of years. The greatest complaint which has come to me from my constituents in the district which I have the honor to represent is from the people who get their mail along the star routes carried by these subcontractors to whom these jobs have been sublet by these men who have a monopoly of them, especially in the Southern States. Complaints may be made against the mail carrier, and you can not get at him.

I should be glad to have the members of this House see the condition of the stock, the horses, used in carrying the mail along the routes in some portions of my country, and I suppose it is the case in other sections. These great syndicates of contractors who get these contracts from the Postmaster-General make money out of them, while these poor men who carry the mail get hardly enough to make a fair living, to say nothing of keeping up the stock and vehicles which are necessary to carry the mails.

Why, it very frequently happens in my country that the mail is not delivered for two or three days, or that it is delivered when the subcontractors can bring it. Their horses give out and they take the sacks of mail upon their shoulders and trudge along through the mud and water. One of the objections that have been urged to the passage of this amendment by the chairman of the committee and by members of the committee is that they have come in here with a unanimous report, and that this bill thus reported should be passed as it is, and therefore members upon this floor are to be prevented from offering any amendments to the bill. That seems to me to be a very invalid objection. Things have come to a pretty pass if reports of committees are to be taken for granted without any interposition of amendment or objection by the members of this House. A few days ago, when this bill was under discussion, a member of the committee rose in his place and said it would not do to disturb the equilibrium of things as it existed here. He said:

If you pass an amendment of this kind these syndicates of star-route contractors will raise such a row as to revolutionize things, and there is no chance in the world to do anything with the bill if you arouse their opposition to it.

It will mean an absolute failure to pass the bill at all. The only way to correct these abuses as they exist is to require that all men who take a contract shall live within the territory where the mail is to be carried, and thus knock out the shark contractor's monopoly. Are we to stand here, in view of the fact that the Republican party and the Democratic party in their platforms have inveighed against trusts, quietly because these syndicate trusts and great contractors are opposed to any change? Must we sit down or lie down and not offer any amendment to this bill, because, forsooth, these great men who are making millions out of the Government and out of the people, are opposed to any change?

Mr. LOUD. As the whole contract is less than five millions, I do not see how they can make millions out of it.

Mr. TALBERT. They make nearly all of it, because they give very little to the poor people who are carrying the mails; and when a complaint is made against a mail carrier you can not get at him. You can not do anything with him. You make a complaint to the Postmaster-General, and he says he has complied with the law, and let it to the lowest bidder; and you can not get at the big contractors; and they make millions by the monopoly. Let us say we are opposed to monopolies and trusts, and not play the hypocrite by claiming one thing and doing another. I hope the amendment will prevail, because it is right and proper and will go very far to rectify an evil that has existed for years.

Mr. BURKE of Texas. Mr. Chairman, one listening to the remarks of the gentleman from South Carolina would naturally think that the statutes as they stand to-day are being enforced in the Post-Office Department. The discussion several days ago on this question showed that last February the Second Assistant Post-

master-General promulgated an order which, to a certain extent, does away with this section of the existing laws—to this extent at least: He holds that it is legal and competent for him, as the representative of the Government, to say that the service on these star routes shall be performed by parties living within or along these routes. For thirty years, sir, this statute has been upon the statute books of the United States.

Since last February there has not been a contract let by the Second Assistant Postmaster-General on a star route but what the contractor, under the ruling of the Department, was forced to live upon the proposed route. In a conversation with the Second Assistant Postmaster-General the day before yesterday he assured me that the Department did not want this change incorporated in this codification bill, and he authorized me to make that statement here.

Mr. LATIMER. Will the gentleman permit me to interrupt him?

Mr. BURKE of Texas. Certainly.

Mr. LATIMER. That was the Second Assistant?

Mr. BURKE of Texas. Yes, sir.

Mr. LATIMER. Then why did he promulgate that order?

Mr. BURKE of Texas. That is the very reason he gave why he did not want this incorporated in the law, that the order that he had made, and which had been enforced since last February, gave it the full force and efficacy of law.

Mr. BERRY. Suppose a bid comes in from a party living along the route and a bid comes in from a party that lives in Washington at a less price than that of the person living along the route. Is not the Postmaster-General by law compelled to accept the lowest bid?

Mr. BURKE of Texas. Under the law; but in his discretion he holds that on these star routes the subcontractors must live along the proposed route.

Mr. LATIMER. I will ask the gentleman from Texas if, in his judgment, that is not a violation of law?

Mr. BURKE of Texas. Well, whatever my judgment is, I would say to the gentleman from South Carolina that that is the judgment of the Second Assistant Postmaster-General, and his judgment controls in matters of that kind.

Mr. LATIMER. One further question. I will ask the gentleman if, in his opinion, under this law this House is doing its duty in leaving the Postmaster-General in a position of enforcing a ruling that in his judgment and in the judgment of the House is a violation of existing law?

Mr. BURKE of Texas. I will answer the gentleman from South Carolina by stating, Mr. Chairman, that the Second Assistant Postmaster-General invites legal scrutiny of his ruling, and I am not prepared to say that he is not right under the law.

Mr. TALBERT. If the gentleman will permit me, as I understand the gentleman from Texas takes the position that the Second Assistant Postmaster-General does already have discretion to arrange this matter as he pleases?

Mr. BURKE of Texas. He holds he has the right under the law.

Mr. TALBERT. Now, then, what objection can the gentleman or the House have to making it mandatory, if we believe it is for the interest of the country, so that it will be done and not be left to the discretion of the Postmaster-General? Would it not be better to insure this action than to leave it in doubt?

Mr. BURKE of Texas. I will answer my friend. As I stated last week on the floor in reference to this matter, I do not believe that it is the best policy. I do not think it is good policy for this House to saddle a codification bill with amendments that would probably result in its defeat before this session of Congress adjourns. Why, sir—

Mr. SIMS. I want to ask the gentleman a question right at that point. I understood the gentleman to say that the subcontractors must live along the line of the route?

Mr. BURKE of Texas. Yes, sir.

Mr. SIMS. That does not remedy the evil one particle, because the man may live on the route and not the contractor.

Mr. BURKE of Texas. Under the ruling of the Department, as I stated a moment ago, the subcontractor on every star route must live along the line of the route.

Mr. SIMS. That does not help it.

Mr. BURKE of Texas. If that is the ruling of the Department in reference to the subletting of the star routes, why could it not be the ruling of the Department in reference to the letting of the original contracts?

Mr. LATIMER. Because the law required it to be let to the lowest bidder.

Mr. BURKE of Texas. If they have the right to prescribe the terms as to one they have the right to prescribe terms as to the other.

Mr. SNODGRASS. Would the gentleman from Texas vote for an amendment to the amendment offered by the gentleman from South Carolina [Mr. LATIMER] to make clear the right of the Postmaster-General to promulgate that ruling?

Mr. BURKE of Texas. I do not know that I could state more succinctly in answer to the gentleman's question than what I have stated heretofore and what I have said this morning. I doubt the propriety of cumbering or saddling this codification bill with amendments of this character.

Mr. Chairman, I expect that my State has three times as many star routes in operation within its limits as any State in this Union to-day. I think there is no question about that. But, sir, I believe, notwithstanding the number of these star routes existing in Texas to-day, after talking with the post-office officials in this city, that it is not the best policy for this House to attempt to incorporate provisions in this bill that will possibly result in its defeat before Congress.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. KITCHIN. I ask unanimous consent, Mr. Chairman, that the gentleman's time be extended five minutes.

There was no objection.

Mr. BARTLETT. Mr. Chairman, may I ask the gentleman from Texas a question?

Mr. BURKE of Texas. Certainly.

Mr. BARTLETT. If we can not do it now, when this codification bill for the operation of the Post-Office Department is before the House and under consideration, will the gentleman tell us when we can do it?

Mr. BURKE of Texas. In answer to the gentleman's suggestion I will say that under the rulings of the Post-Office Department the proposition that the gentleman from South Carolina seeks to put upon this bill is already in operation.

Mr. BARTLETT. I am not speaking particularly of this amendment, but of the general proposition.

Mr. BURKE of Texas. Well, I am only discussing this proposition now offered by the gentleman from South Carolina.

Mr. LATIMER. My objection is not to the position taken by the Assistant Postmaster-General, but my position is that if the country and the Postmaster-General think it is a good ruling, why not put it into law?

Mr. BURKE of Texas. For the simple reason that I have stated: the incorporation of so many exceptions, of so many controverted and material provisions upon this law, will result in the defeat of the bill. Now, Mr. Chairman, permit me to say before I sit down, that for more than thirty years there has been no codification of the postal laws of this country, either civil or criminal. It is in the opinion of the Post-Office Department, a sine qua non that these laws should be codified. What boots it, what does it amount to to incorporate into the law a few amendments to gratify the wish of some gentlemen, when the very amendments they propose to incorporate into the bill may result in its utter defeat and the codification be lost to this Congress?

Mr. ROBINSON of Indiana. Will the gentleman yield for an interruption?

Mr. BURKE of Texas. Certainly.

Mr. ROBINSON of Indiana. I appreciate the gentleman's statement of the danger of placing upon the bill drastic amendments, but I desire now to ask him about a proposition that may be material at this time or in the future. The Second Assistant Postmaster-General had a scheme which he was to use or was about to inaugurate a reform in the service by having the star-route carriers deliver parcels to residents along his route, somewhat in the line of rural free delivery. Does the gentleman from Texas know whether there is any scheme in contemplation of that kind?

Mr. BURKE of Texas. I do not. I am not in the inner confidence of the Post-Office Department.

Mr. BARTLETT. For the purpose of clearing up the situation which prevails on the amendment of my colleague [Mr. MADDOX], offered this morning, providing for some change—

Mr. BURKE of Texas. That was adopted.

Mr. SNODGRASS. I would like to have it read.

Mr. BURKE of Texas. It was accepted by the committee and adopted this morning.

Mr. BARTLETT. I ask permission, then, Mr. Chairman, if the gentleman from Texas will allow me, to have the amendment offered by the gentleman from Georgia [Mr. MADDOX], which I understand has been adopted, read again at the desk.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Georgia [Mr. MADDOX] will be again read by the Clerk.

The Clerk read the amendment.

Mr. MONDELL. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Wyoming?

Mr. BURKE of Texas. Yes.

Mr. MONDELL. I wished to address the Chair in my own right. I thought the gentleman had concluded.

Mr. BURKE of Texas. In a few moments.

Mr. GREEN of Pennsylvania. Mr. Chairman, I ask permission to interrogate the gentleman from Texas.

Mr. BURKE of Texas. Certainly.

Mr. GREEN of Pennsylvania. Is it or not a fact that this section is a reprint of the present existing law, and has not this committee cut out the very pertinent words "without other reference to the mode of transportation that may be necessary to provide for the due celerity, certainty, and security thereof?"

Mr. BURKE of Texas. I think that was repealed years ago, if the gentleman will permit me. What has been incorporated in this has been the law for twenty years.

Mr. GREEN of Pennsylvania. Does the gentleman mean to say that as the bill is drawn to-day that section is exactly in accordance with the present law and that the provision I have just read has not been taken out?

Mr. BURKE of Texas. That is my understanding. I think the provision read by the gentleman has been repealed long years ago.

Mr. GREEN of Pennsylvania. The Postmaster-General, as I understand his report, treats those words as the basis of the order which the Second Assistant Postmaster-General has made. Without such a provision he does not claim the right to make the order, as I understand; but with those words in the law, he does claim the right. If you cut out those words, as they have been cut out by the bill of the committee, it looks as if the effect would be to take away all power from the Postmaster-General to use his discretion in this matter of subcontracting.

Mr. BURKE of Texas. One word more, and I shall have concluded.

Mr. LATIMER. Without wishing to interrupt the gentleman, I ask him to explain to the House why, in his judgment, the adoption of this amendment will defeat the passage of this codification bill?

Mr. BURKE of Texas. I do not say that the adoption of this one amendment might operate in that way, but I say that the adoption of one amendment would necessarily carry with it the adoption of possibly 500 other amendments. Where are we going to draw the line? If you break over it in one amendment, you may attempt to incorporate 100 amendments, and with these various amendments incorporated in this codification bill I believe the result will be the defeat of a measure which I know the Post-Office Department asks to have passed as a measure of supreme importance. I believe it is to the interest of the Department and thereby to the interest of the people of this country that this bill be passed with as few amendments as possible.

Mr. STEPHENS of Texas. What objection can you have to this amendment, which merely makes the law mandatory instead of directory? It is directory now, and the Postmaster-General has the right to put it in effect in any part of the United States that he may think proper. Why not make it mandatory, so that all sections of the country may be treated alike?

Mr. BURKE of Texas. I will say to my friend and colleague [Mr. STEPHENS of Texas] that the rulings of the Second Assistant Postmaster-General are as strong and mandatory as the law itself could make them, because they have the force and effect of law. How much stronger would the gentleman have them?

Mr. STEPHENS of Texas. Why should they not operate alike upon all the people of the United States? Does not my colleague know that the Postmaster-General in his last report proposes to put this provision into effect in the thirteen original States, lying along the Atlantic seaboard, leaving out the entire West and Southwest?

[Here the hammer fell.]

Mr. TATE. As a substitute for the amendment of the gentleman from South Carolina, I offer the provision I send to the desk—a proposition which I undertook to offer a few days ago.

The Clerk read as follows:

Insert in line 20, page 125, after the word "performance," the following: "Provided, That whenever two or more bids or proposals are made for carrying the mails on any star route in the United States and one or more of such bids or proposals are made by a resident or residents of any county in or through which such mail is to be carried, and whenever such bids or proposals are, in the opinion of the Postmaster-General, reasonable, the contract for carrying such mail shall be awarded to the lowest bidder residing in a county through which such mail is to be carried."

The CHAIRMAN. Without objection, this amendment will be regarded as a substitute for that offered by the gentleman from South Carolina. The Chair hears no objection.

Mr. TATE. Mr. Chairman, in my opinion the poor mail service received by the people along the star routes of this country is due entirely to this subletting system. Mr. Chairman, I was surprised to hear my friend from Texas [Mr. BURKE] state this morning that the Post-Office Department does not desire this change of the law.

By reference to page 1233 of the RECORD gentlemen will find a statement of the gentleman from California, chairman of the Post-Office and Post-Roads Committee [Mr. LOUD], that the Second Assistant Postmaster-General, when asked why he made the order in reference to subletting mail contracts, stated that it was because year after year he had asked Congress to legislate on this

question and that Congress had refused to give him the legislation asked for, and therefore he had issued this order. And now another member of the Post-Office and Post-Roads Committee comes before the House and tells us that the Post Office Department does not desire this legislation.

Mr. LOUD. Will the gentleman allow me a moment?

Mr. TATE. Certainly.

Mr. LOUD. "The gentleman from California" made that statement on his own authority. He did not state that the Second Assistant Postmaster-General had said so and so.

Mr. TATE. Here is the exact language of the gentleman from California. He and the gentleman from Texas can reconcile the matter. Speaking of the Second Assistant Postmaster-General, the gentleman from California said:

When asked, before the committee, the question whether he had submitted that general order to the law officer of the Post-Office Department, he said no. He had been before Congress for years endeavoring to get a modification of this law. Congress had refused to modify it in accordance with his request.

Mr. LOUD. But I did not assume that he said so. If I understand the reading of the English language it does not convey any idea such as the gentleman has suggested.

Mr. TATE. You said "when he was before the committee."

Mr. LOUD. Yes; I said that he answered a certain question; and then I went on to make a comment upon it—a statement of my own.

Mr. TATE. Very well, then; put it in that way. The chairman of the Committee on Post-Office and Post-Roads says, then, that the Second Assistant Postmaster-General has been before his committee for years asking for this very legislation and they refused to grant it. The gentleman asks the House now to reject the amendment on the ground that that Department does not desire such legislation. Now, if that benefits the position the gentleman takes, he is entirely welcome to it.

I am surprised at the persistent opposition of the chairman of the Post-Office and Post-Roads Committee to this amendment.

In the first place, he insists that it would add to the cost of transporting the mails to abolish this subletting system. Now, Mr. Chairman, as we all know, these speculators in star-route contracts bid off these contracts by the hundreds and enter into a contract to carry the mails of the United States, when it is well known both to the contractor and the Government that it is their purpose to speculate on these contracts by subletting them to others.

These contractors are usually shrewd men, who go into a community and select some unsuspecting person, and they talk him into taking a contract and giving his neighbors as security on his bond for the faithful performance of this subcontract. The subcontractor takes this contract at a smaller sum than is paid the original contractor, and in this way profits are made upon these contracts by those who sublet them.

Now, Mr. Chairman, you can find all over this country the very poorest mail service being given to the people by reason of just such contracts. You will find a poor, run-down horse, a two-wheel cart, and a poor fellow hardly able to keep soul and body together endeavoring to carry out one of these subcontracts, and in doing so his neighbors must aid him or be liable on his bond.

The people must receive the poorest possible service, and they tolerate it on account of their sympathy for the carrier; and all this is done, sir, in order that the contractor may pocket the difference between the price he receives from the Government and the amount he pays this unfortunate subcontractor. If the Government contractor can go into a community and sublet his contract for a less sum than he receives from the Government, why can not the Government at least make a contract with a citizen residing in a county through which the mails are to be carried for the same sum it pays to this contractor?

No one will say that it can not. It is manifest that it can be done, because it is being done. If the contractor can sublet the contracts for less than he gets from the Government, the Government can at least let the contract to a local bidder for the sum the Government pays the original contractor.

Instead of giving the people a poor service in this way, by allowing the contractor to sublet the carrying of the mails, let every dollar paid by the Government go to the man who actually carries the mail and require him to give to the people the best possible service.

If you pass this amendment, sir, and give to the man who actually carries the mail the full amount paid for the service, in my judgment you will give the people of this country far better mail facilities than they are receiving at this time. You will not only, in my opinion, improve the service by paying directly to the man who carries the mail the full amount paid by the Government, but you can improve the speed schedule and give the people their mails in shorter time.

The chairman of the Committee on Post-Office and Post-Roads offers another objection to this amendment, and that is it requires

the contractor to live in the county through which the mails are to be carried. This, I think, Mr. Chairman, is necessary if we are to secure the best possible service from him. He should understand fully the work to be performed by him and be familiar with the route to be traveled before entering into his contract; but as it is to-day a man in California may contract for carrying all the star routes in Georgia and absolutely know nothing of the service to be performed.

Another reason why he should be required to live in a community where the service is to be performed is because if he does not actually carry the mails himself he should be required to give his personal supervision to the faithful carrying out of his contract with the Government. And a further and important reason why he should live on the route that he contracts to carry is because in this way mail contractors can not bid off Government contracts by the hundreds and go through the country subletting them to bidders at a sum that the contractor himself knows the service can not be performed for and make the difference between their subletting price and the original contract price paid them by the Government.

If we are to secure faithful performance of the contract we must either abolish subletting entirely or require the contractor to live on the route where the service is to be performed; then he can only bid upon such mail contracts as are in his immediate community; and in this way you prevent him from entering into a wholesale traffic in Government mail contracts.

Mr. CLAYTON of Alabama. May I interrupt the gentleman for a suggestion?

Mr. TATE. Certainly.

Mr. CLAYTON of Alabama. I am in favor of the original amendment proposed by the gentleman from South Carolina. I will state to my friend from Georgia, because that takes the matter out of the discretion of the Postmaster-General, it seems to me, while your amendment has the same objection that is found to the present law, that it leaves this matter entirely in the discretion of that official, and hence I am opposed to the substitute.

Mr. TATE. I want to state to the gentleman from Alabama that he is mistaken. The Postmaster-General, under my amendment, has no discretion if, in his opinion, the bids are reasonable. My amendment is mandatory. If, in his opinion, the bids are reasonable, he must let the contract to the bidder living in the county through which the mail is to be carried.

Mr. SIMS. Your amendment is to cover a possible case—that if a local man does not bid at all an outside man may take it?

Mr. TATE. Certainly. You might not have any bids.

Mr. CLAYTON of Alabama. That contingency is provided for in the amendment offered by the gentleman from South Carolina.

Mr. TATE. I will support the amendment of the gentleman from South Carolina, but a great many members of this House think that amendment should be modified.

Mr. SNODGRASS. Will the gentleman consent to withdraw his amendment and offer it after the amendment of the gentleman from South Carolina has been disposed of?

Mr. TATE. I have offered it as a substitute, and we can dispose of both questions at the same time.

Mr. Chairman, the proposed amendment is a copy of a bill introduced by me in the Fifty-third, Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses, and has been pending before the Post-Office and Post-Roads Committee for some time, but has not been acted upon by that committee.

The Post-Office Department has repeatedly, as we are told by the chairman of the Post-Office and Post-Roads Committee, asked that committee to legislate upon this question. I have before me, sir, the recent order passed by that Department upon this question and the reason for adopting the same. The First Assistant Postmaster-General, on pages 207-209, in the last report from that Department, on the question of speculating in mail contracts, says:

The evils attending the former practice of speculating in mail contracts have received a great deal of attention at the hands of the Department, and during the past year action was taken looking to the correction of such evils.

At the risk of repeating some of the statements set forth in my previous reports, it may be said that under the former practice whenever the Department issued an advertisement inviting proposals for carrying the mails on star routes the greater part of the bids submitted came from a class of persons known as speculative bidders or contractors.

These speculative bidders would fix the amounts of their bids not so much from personal knowledge of the particular service to be performed as from their information that a certain sum was paid under a previous contract or subcontract, and they would undertake to perform it for a little less, trusting to be able to sublet at a profit. The competition being keen, most of the service was let at very low rates.

These speculative bidders or their agents would then endeavor to secure a subcontractor at a lower price, and often made misrepresentations to accomplish their object. If the subcontractor discovered from experience that he could not afford to perform the service for his subcontract pay and endeavored to be released from his agreement, the contractor would threaten him and his sureties with the forfeiture of their bond.

If the subcontractor attempted to perform the service with poor equipment, resulting in irregularities and failures, he would have the sympathy of the postmasters, who were not inclined to report delinquencies to the Department. Some unscrupulous contractors would fail to pay their carriers

the amounts agreed upon, which has caused thousands of claims to be filed in the Department against the contractors, necessitating voluminous correspondence in an effort to get them adjusted, and even then it was often times beyond the power of the Department to secure to the carrier the money which he had earned.

Some of these speculative bidders, in their efforts to secure contracts, have made their bids at rates lower than those for which they could secure sub-contracts, and there have resulted general failures to perform the service, thus putting the Department to the trouble and expense of arranging for temporary service and reletting the contracts.

Complaints in regard to this practice have been so numerous to the Department, to members of Congress, and in the public press that the interests of the public service seemed to demand that action be taken that would effectually do away with the cause for them.

Last February an examination of the records developed the fact that in the previous five months there had been reported to the Department failures on the part of speculative contractors to perform the service of such a serious nature as to necessitate the employment of temporary service aggregating 891, or an average of 178 failures per month.

The failures during the past year have averaged 220 per month, and in one month alone they were as high as 700. These have resulted in a serious injury to the public service and in an immense amount of work for the Department. We try to have the postmasters fully instructed in advance in regard to the employment of temporary service whenever such failures occur, but it sometimes happens that postmasters either do not understand their duties or are unable to secure a carrier in the emergency, and the mails are not carried, or if a carrier can be obtained it is not always practicable to secure one who will run upon the prescribed schedule, and the result is that connections are broken and mails delayed.

In the majority of cases contractors eventually, after much correspondence, take up the service, but the Department is compelled to send one notice, and, many times, several notices to the contractors and to the postmasters and to issue orders authorizing payment of temporary carriers, after the examination of bills for their service, and in other respects is put to a great deal of labor and the public to much inconvenience, if not serious loss, for which there would be no occasion if the service were properly performed.

This condition grows out of the practice which had obtained for many years of awarding contracts for carrying the mail to the lowest bidders whose bids were in proper form and to the fact that the greater number of the contracts were obtained by these speculative contractors, who often lived hundreds of miles away from the routes on which the service was to be performed, and who consequently were unable to give the service their personal supervision. Section 3949 of the United States Revised Statutes reads as follows:

"All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest bidder tendering sufficient guaranties for faithful performance without other reference to the mode of transportation than may be necessary to provide for the due celerity, certainty, and security thereof; but the Postmaster-General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract."

It will be noticed that this statute does not make it mandatory to award contracts to the lowest bidder, but "to the lowest bidder tendering sufficient guaranties for faithful performance," and it seems plain that the Department has the right to prescribe such regulations, in connection with the advertisement and consideration of bids, as in its judgment may be necessary to secure "sufficient guaranties for faithful performance."

The experience of this office for a number of years has convinced me that one of the essentials to the securing of sufficient guaranties for faithful performance is that the contractor shall reside on or contiguous to the route on which the service is to be performed and give it his personal attention. It is true that there is another statute which provides that every bid to be considered shall be accompanied with a bond, but it is not sufficient to say that in event of a contractor's failure the Department may possibly recover on the bond the pecuniary damage it suffers in reletting the service.

The primary object of the several acts of Congress is to secure to the public regular and effective mail service contemplated by the advertisements and contracts, and while certain essentials in the way of bonds, etc., are prescribed by law, it is left to the Department to determine what shall be the sufficient guaranties for proper performance of service. Having come to this conclusion, I issued an order on February 13, 1900, reading as follows:

"The large number of failures to properly carry the mails as required by contracts on the part of speculative contractors who do not reside upon the routes on which the service is to be performed having demonstrated to the satisfaction of the Department that proposals for carrying the mails from that class of bidders do not provide the 'sufficient guaranties for faithful performance' which are contemplated by law, it is ordered that no bid submitted under an advertisement hereafter issued for carrying the mails on a star route, or on a screen-wagon route, shall be considered unless the bidder resides on or contiguous to the route on which the service is to be performed, or shall file with his bid an agreement that, in event of the service being awarded to him, he will reside on or contiguous to said route and give his personal supervision to the performance of the service. This, however, is not to apply to the reletting of a route made necessary by failure under an existing contract."

"W. S. SHALLENBERGER,
Second Assistant Postmaster-General."

All contracts made under advertisements issued since the date of this order have been awarded to persons living on or contiguous to the routes on which the service was to be performed, and as a rule the new departure has worked to the satisfaction of this office. It has been urged that the exclusion from bidding of speculative bidders would result in an enormous increase in the cost of service, and while it is conceded that the cost will be somewhat increased, yet it is believed that the service can be placed in the hands of local contractors at reasonable rates.

This action of the Post-Office Department meets with my approval, and I offer this amendment for the purpose of making this mode of letting contracts to the local bidders the law of the United States instead of a regulation of the Post-Office Department. A regulation can be changed at any time by the Post-Office Department or revoked by that Department; but if you adopt this amendment, no contract can be let for carrying the mails except to a person living in a county through which the mail is to be carried and this mode of letting mail contracts can then only be changed by Congress.

The order of the Post-Office Department is practically the same as the amendment I offer, and I clearly believe that the Department is right upon this question and that we should sustain the Post-Office Department rather than conform to the views of the chairman of the Post-Office and Post-Roads Committee.

For eight years I have been anxious for an opportunity to present this matter to the House and to wipe out this objectionable subletting system, and now when that opportunity is presented I am told that this amendment ought not to be offered at this time to this bill codifying the postal law. Now, if this amendment is not to be made now, when can it be made? If you pass this bill without adopting this amendment, when will another opportunity be presented? We do not codify the postal laws every year. It has been about thirty years since this has been done.

We are told by the members of the committee that the present law and the regulation of the Department are only embodied in this bill. If we are to embody other regulations of the Department, why not also embody the regulation made by the First Assistant Postmaster-General in reference to this subject of subletting? There is but one reason, and that is that the Post-Office and Post-Roads Committee is opposed to changing the law in reference to subletting.

The chairman of the Post-Office and Post-Roads Committee does not believe that the Post-Office Department has the authority now to break up this speculation in Government mail contracts and does not desire to give this Department that authority. He is opposed to any change in the present law. He asks the members of this committee to reindorse this subletting system and let it remain for years the law of the land, and we had just as well understand here and now that unless we insist upon this amendment and put it on this bill at this time, so far as legislation upon this subject is concerned it will be years before anything can be accomplished.

This question is of the greatest importance to the people. They should be given the best possible mail service and their mails in the shortest possible time, and every dollar collected in taxes from the people for the purpose of carrying the mails should be expended directly for their benefit, and not put into the pockets of contractors who perform no service except the service of subletting their contract to some one else.

The people have suffered long and patiently from this system. It is time to call a halt; and I appeal to this committee to come to their rescue by supporting and sustaining the Post-Office Department in the efforts to break up this objectionable system and thereby improve the mail facilities of the people of this country.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry. Is a substitute for the amendment in order?

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from Georgia [Mr. TATE] was considered as a substitute for the amendment offered by the gentleman from South Carolina [Mr. LATIMER]. The matter now before the committee is the substitute.

Mr. MONDELL. I move, then, to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, had the parliamentary situation been different, I intended to offer a substitute for the amendment offered by the gentleman from Georgia [Mr. TATE], as follows:

Provided, That the Postmaster-General, in his discretion, may provide that no bid submitted under an advertisement issued for carrying the mails on a star route or on a screen-wagon route shall be considered unless the bidder resides on or contiguous to the route on which the service is to be performed, or shall file with his bid an agreement that in the event of the service being awarded to him he will reside on or contiguous to the route, and give his personal supervision to the performance of the service.

Mr. Chairman, I am heartily in sympathy with the intent of the amendments which have been offered, but I do not believe that, in the form in which they have been presented to the House, they will cure the evils which we seek to cure, without possibly threatening other and worse evils.

Mr. ROBINSON of Indiana. I will ask the gentleman whether his proposed amendment is in the language of the order issued by the Second Assistant Postmaster-General?

Mr. MONDELL. I will say to the gentleman that it is. Mr. Chairman, I am alive to the fact that this is a codification bill, and it has been developed here that the members of the Committee on the Post-Office and Post-Roads had a tacit agreement that they would resist any and all amendments to the present law which might be presented as amendments to this bill. Therefore I am of the opinion that it would be impossible at this time and under these circumstances to get a vote of the committee on the merits of the important proposition now being discussed. Therefore I did not believe it wise to bring up the matter at this time. In my opinion the order of the Second Assistant Postmaster-General is legal. It is in operation. Under it many lettings have been had, and I was of the opinion that, owing to the understanding had by the members of the committee, and the natural disinclination of the members of the Committee on the Post-Office and Post-Roads to have their bill amended in any particular, it was not in the interest of improvement of the service in the direction sought to seek a vote on the question at this time, because, as I stated a moment ago, I believe a vote can not be had on the merits of the case.

Mr. ROBINSON of Indiana. Why not ask unanimous consent of the House to place your proposition before the committee?

Mr. MONDELL. Mr. Chairman, I am not inclined unnecessarily to assail syndicate star-route bidders. I have no doubt that there are many honorable men engaged in the business of syndicating star routes; but from my experience with the agents of most of these companies I am frank to say that they generally combine all the arts and wiles of a book agent, pill peddler, and lightning-rod man, with those of a bunco steerer and a confidence man thrown in. The chairman of the committee is loud in his praises of unlimited competition in Government service; but it may be recalled that, so far as the postal service is concerned, unlimited competition in bidding has been restricted very largely to the carrying of rural mails.

The evils which have grown up under this system are manifold and known and understood by every man living in regions where star routes exist. It can not be said that the gentlemen who are furnishing or attempting or pretending to furnish service on star routes are not doing it cheaply. Certainly the service is cheap, and as unsatisfactory as it is cheap. There can be no objection to it on the ground of economy. The objection to the present service is, it is not a good service; that it is uniformly a bad and unsatisfactory service. The chairman of the committee has suggested that it is not a part of the business of the Government to establish a guardianship over its citizens.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

There was no objection.

Mr. MONDELL. The chairman of the committee has suggested that it is no part of the business of the Government to establish a guardianship over its citizens and to protect them from the wiles of the agents of the star-route syndicate. That is true, Mr. Chairman; but it is certainly no part of the Government's business, and it is a disgrace to the Government that it has for many years been, unintentionally perhaps, or unavoidably perforce, in league with practices which are dishonorable and disreputable, and which have had the effect very largely, or almost in every instance, to give us bad service. Under the present system there is no legitimate profit in star routes for the contractors themselves, and whatever profit they may receive, in my opinion, after a vast amount of experience in the matter, is wrong from the men who carry the Government mails by depriving them, under one pretext or another, of the miserable pittance which the contractors had in the first instance agreed to give them.

We expect that the new ruling of the Second Assistant Postmaster-General shall increase the price of carrying star routes. In my opinion the rates should be increased 50 per cent; but I do not believe it will bring about any such increase. In the lettings just had, of 6,000 routes in the Southeast, 55 per cent of them were let on the first advertisement at an increased cost of only 25 per cent over the last letting; and it must be borne in mind that this letting also contained a provision which the gentleman from Illinois has just inquired in regard to, compelling the carrier to deliver the mail in boxes placed along the route, thus extending to the star routes of the country a modified rural free-delivery service.

Mr. Chairman, believing that the order of the Second Assistant Postmaster-General will accomplish all we are seeking to accomplish, appreciating the attitude of the committee in this matter, their appeals to the House to oppose any and all amendments, and believing, therefore, that it is impossible at this time to get a decision of the House on the merits of this question, I believe that the amendments should not be pressed.

Mr. STEPHENS of Texas. Will the gentleman permit me to ask him a question before he sits down?

Mr. LOUD. Mr. Chairman—

Mr. STEPHENS of Texas. I wish to ask you this question: If you had not noticed that the effect of that order is confined to Section A of the United States, and that is the thirteen States lying along the Eastern seaboard?

Mr. MONDELL. I do not think that is true. I understand—in fact, I am assured, reasonably assured—that it is the intention of the Postmaster-General to put this order in operation throughout the entire country.

Mr. STEPHENS of Texas. Here is his language. He has advertised—

Mr. BROMWELL. I think I can answer that.

Mr. STEPHENS of Texas. I will read what he says.

Mr. BROMWELL. These lettings are for one-fourth of the entire country every four years. These star-route contracts are not made throughout the entire country every year, or all of them at the same time. One-fourth of them are given out each year. It happens that the section on which the star-route contracts are given out this year may comprise the thirteen original States. I do not know.

Mr. STEPHENS of Texas. That is right. That is the only section in which they propose to let this order apply.

Mr. BROMWELL. It is intended that this order shall be enforced as to the other sections, as they are let yearly. There is no discrimination.

Mr. STEPHENS of Texas. Do you get your information from his report?

Mr. BROMWELL. If you will read the report, you will see these are for one section, because that is the section in which the star-route contracts are to be made, and it is to be extended.

Mr. STEPHENS of Texas. How does the gentleman know that? We want to make it mandatory.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. If the gentleman will allow me, I will state that this order is now in force throughout the United States in the lettings that are being made in all portions of the country.

Mr. STEPHENS of Texas. Will the gentleman permit me to read what he has said here about this order?

Mr. MONDELL. I have knowledge that in my country the order is in force.

Mr. LOUD. Mr. Chairman, I would like to close the debate upon this paragraph. I discussed it some few days ago, but I would like, however, to close the debate myself. I will take but a very few moments. We have been all over this question, and I hope we can come to a vote. I move, Mr. Chairman, that debate be closed in ten minutes on this paragraph and amendment.

The CHAIRMAN. The gentleman from California moves that the debate upon this section and the amendments thereto close in ten minutes.

Mr. GREEN of Pennsylvania. I object, Mr. Chairman, unless I can have five minutes.

The CHAIRMAN. The Chair understood the gentleman from California to make a motion to close debate and not to ask unanimous consent.

The question was taken; and the motion was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 5969. An act for the relief of the devisees and legal representatives of D. L. Huskey;

H. R. 3089. An act granting an increase of pension to Kate M. Pond;

H. R. 269. An act granting a pension to Rosa G. Thompson, formerly Rosa G. Edwards;

H. R. 11096. An act granting an increase of pension to Delia E. Stillman;

H. R. 3705. An act granting a pension to Almeda Brown;

H. R. 7495. An act granting an increase of pension to Richard Holloway;

H. R. 8535. An act granting an increase of pension to Andrew E. Dunham;

H. R. 10089. An act granting an increase of pension to Charles Forbes;

H. R. 10784. An act granting an increase of pension to Oliva J. Baker;

H. R. 5007. An act granting an increase of pension to Smith Miner;

H. R. 4199. An act granting an increase of pension to Gabriel M. Funk;

H. R. 8161. An act granting a pension to Annis Bean;

H. R. 9840. An act granting an increase of pension to William Snider;

H. R. 10472. An act granting an increase of pension to Frank Blair;

H. R. 7621. An act granting a pension to William H. Chapman;

H. R. 4069. An act granting a pension to Julia A. Kinkead;

H. R. 4887. An act granting an increase of pension to David R. Ellis;

H. R. 6043. An act granting an increase of pension to John C. Sheuerman;

H. R. 3609. An act granting a pension to Agnes B. Hoffman;

H. R. 11516. An act granting an increase of pension to Samuel Ryan;

H. R. 4356. An act granting an increase of pension to Henry G. Bigelow;

H. R. 11228. An act granting an increase of pension to Smith Thompson;

H. R. 3956. An act granting an increase of pension to George W. Plants;

H. R. 5189. An act granting an increase of pension to Alexander Boltin;

H. R. 11198. An act granting an increase of pension to Gorton Brown;

H. R. 10570. An act granting an increase of pension to John Kinsey;

H. R. 10725. An act granting a pension to Mae Pearman;

H. R. 8942. An act granting an increase of pension to Michael Howlett;
 H. R. 7912. An act granting an increase of pension to Harriet A. Wilson;
 H. R. 3653. An act granting a pension to Catherine Broughton;
 H. R. 9785. An act granting a pension to Catherine A. McClanathan;
 H. R. 4986. An act granting an increase of pension to William P. Aylesworth;
 H. R. 11211. An act granting a pension to Thomas Clark;
 H. R. 5944. An act granting an increase of pension to Jeremiah Everly;
 H. R. 4130. An act granting a pension to Mary Clark;
 H. R. 8273. An act granting a pension to Sarah S. Hammond;
 H. R. 9931. An act granting an increase of pension to Joseph Zimmerman;
 H. R. 10639. An act granting an increase of pension to Julia A. Gilpin;
 H. R. 8191. An act granting an increase of pension to Adam Bieger;
 H. R. 8027. An act granting a pension to William R. Miller;
 H. R. 9378. An act granting a pension to Irving Johnson;
 H. R. 2656. An act granting an increase of pension to John H. Gardner;
 H. R. 10892. An act granting an increase of pension to Phebe Tate;
 H. R. 4231. An act granting a pension to Michael Ryan;
 H. R. 4516. An act granting an increase of pension to Burwell Hinchman;
 H. R. 6623. An act granting a pension to Sarah E. Wall;
 H. R. 4143. An act granting a pension to Laura V. Swearer;
 H. R. 4800. An act granting a pension to Joseph Crawford;
 H. R. 4651. An act granting a pension to Emily Alder;
 H. R. 12061. An act granting an increase of pension to Henry S. Topping;
 H. R. 2399. An act granting an increase of pension to Edward McDuffey;
 H. R. 12245. An act granting an increase of pension to Henry A. Jordan;
 H. R. 11091. An act granting a pension to Ambrose Brisett;
 H. R. 10567. An act granting a pension to Mary L. Tweddle;
 H. R. 10617. An act granting an increase of pension to Kate E. Duffy;
 H. R. 5648. An act granting a pension to Mary B. Allen;
 H. R. 1600. An act granting an increase of pension to Lucy B. Bryson;
 H. R. 5978. An act granting an increase of pension to Amos Van Nausdile;
 H. R. 2395. An act granting an increase of pension to Matthew McDonald;
 H. R. 8594. An act granting a pension to Matilda Rapp;
 H. R. 9570. An act granting an increase of pension to Henry F. Rice;
 H. R. 10761. An act granting an increase of pension to Oliver H. Cram;
 H. R. 6902. An act granting a pension to Lydia A. Tryon;
 H. R. 9106. An act granting a pension to Nancy Marshall;
 H. R. 1604. An act granting an increase of pension to Joel H. Hollowell;
 H. R. 3133. An act granting a pension to Edward Hounsom;
 H. R. 236. An act granting an increase of pension to Albert M. Bennett;
 H. R. 11361. An act granting a pension to Susan A. Miller;
 H. R. 7580. An act granting a pension to Samuel N. Haskins;
 H. R. 11574. An act granting a pension to William H. Palmer;
 H. R. 8794. An act granting an increase of pension to Ellen H. Phillips;
 H. R. 7152. An act granting an increase of pension to Nancy L. Donaldson;
 H. R. 7745. An act granting a pension to Lucinda Miller;
 H. R. 10183. An act granting an increase of pension to Robert A. Reid;
 H. R. 8418. An act granting an increase of pension to William H. Gibbs;
 H. R. 11508. An act granting a pension to George T. Boulding;
 H. R. 12233. An act granting a pension to Ashel C. Anlick;
 H. R. 3512. An act granting a pension to Rebecca G. Irwin;
 H. R. 11910. An act granting an increase of pension to Thomas H. Roberts;
 H. R. 10482. An act granting a pension to Pattie D. McCown;
 H. R. 657. An act granting a pension to Francis A. Kitchen;
 H. R. 4018. An act granting a pension to Elizabeth Dinnon;
 H. R. 11057. An act granting an increase of pension to Leonhart Miller;
 H. R. 2178. An act granting an increase of pension to James Beistle;
 H. R. 191. An act granting an increase of pension to Laura P. Lee;

H. R. 9177. An act granting an increase of pension to Luke P. Allphin;
 H. R. 3660. An act granting an increase of pension to Franklin I. Gilbert;
 H. R. 8771. An act granting an increase of pension to Lyman A. Sayles;
 H. R. 8679. An act granting an increase of pension to Chauncey Sheldon;
 H. R. 11196. An act granting an increase of pension to Louis Snyder;
 H. R. 9985. An act granting an increase of pension to Martin Sherwood;
 H. R. 5610. An act granting a pension to Elizabeth B. McClellan;
 H. R. 5898. An act granting an increase of pension to George F. White;
 H. R. 301. An act granting a pension to James T. Donaldson;
 H. R. 11985. An act granting an increase of pension to Henry C. Brooks;
 H. R. 7024. An act granting an increase of pension to Sarah Herriman;
 H. R. 296. An act granting an increase of pension to Mattie Otis Dickinson;
 H. R. 1995. An act granting an increase of pension to Frederick O. Lathrop;
 H. R. 11927. An act granting a pension to Elizabeth Dickerson;
 H. R. 9165. An act granting an increase of pension to Horace L. Stiles;
 H. R. 4217. An act granting an increase of pension to Michael Dignon;
 H. R. 3436. An act granting an increase of pension to John Abel;
 H. R. 7053. An act granting a pension to Addie S. Potter;
 H. R. 6810. An act granting an increase of pension to Peter Anderson;
 H. R. 2092. An act granting an increase of pension to Madison McCollister;
 H. R. 2527. An act granting a pension to David Briggs;
 H. R. 3545. An act granting a pension to Ellen Harden Walworth;
 H. R. 1204. An act granting a pension to Martha McSwain;
 H. R. 11680. An act granting an increase of pension to Isabela Myers;
 H. R. 10872. An act granting an increase of pension to Caroline Buehler;
 H. R. 9404. An act granting a pension to Elizabeth Hendricks;
 H. R. 9745. An act granting a pension to Susan Sidenbender;
 H. R. 10333. An act granting a pension to Sophie de V. Barrett;
 H. R. 2816. An act granting a pension to Annie C. Collier;
 H. R. 8263. An act granting a pension to Lula M. Jones;
 The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:
 H. R. 5643. An act granting a pension to Elizabeth Beesley;
 H. R. 3636. An act granting an increase of pension to George A. Libby;
 H. R. 4080. An act granting a pension to James E. Arvin, Teresa Arvin, and Anna Arvin;
 H. R. 9502. An act granting an increase of pension to Phebe A. La Mott;
 H. R. 12281. An act to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits;
 H. R. 13279. An act entitled "An act to enable the directors of Providence Hospital to increase the accommodations of that institution."
 The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:
 S. 5585. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia;"
 S. 4956. An act to grant the Knoxville Power Company the right to dam the Tennessee River at or near Knoxville, Tenn.;
 S. 5023. An act to provide for the establishment of a port of delivery at New Bedford, Mass.;
 S. 5022. An act to provide for the establishment of a port of delivery at Fall River, Mass.;
 S. 5390. An act for the establishment of a subport of entry at Douglas, Ariz.; and
 S. 2769. An act for the relief of Warren Hall.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5023. An act to provide for the establishment of a port of

delivery at New Bedford, Mass.—to the Committee on Ways and Means.

S. 5022. An act to provide for the establishment of a port of delivery at Fall River, Mass.—to the Committee on Interstate and Foreign Commerce.

S. 5350. An act for the establishment of a subport of entry at Douglas, Ariz.—to the Committee on Ways and Means.

S. 2769. An act for the relief of Warren Hall—to the Committee on War Claims.

CODIFICATION OF POSTAL LAWS.

The committee resumed its session.

Mr. GREEN of Pennsylvania. Mr. Chairman, I desire to say a few words before the vote is taken on the amendment and the substitute. During the early portion of the debate on this bill we were assured by the Post-Office Committee that certain amendments then offered would apply to section 289, and that there was no other place for amendments taking up this subject-matter preventing speculative bidding to be inserted with propriety. Now we have come to that section. It is very surprising that in this book, Annual Report of the Post-Office Department, published by the Postmaster-General, for the fiscal year ending June 30, 1900, he should devote three full pages, beginning at page 207 and ending with the close of page 209, to calling our attention to this question of the evils of speculative bidding. If any member of this House takes the time to read over these three pages, he must be satisfied that there has been, and is now, a great evil existing in this matter of speculative bidding, and such an evil I contend the Post-Office Committee should have remedied when they undertook to present to this House the proposed scheme of codifying the postal laws.

I think it is the most ridiculous proposition in the world that any three or four or twenty men should say that if we insert a pertinent amendment in this bill, an amendment that is recommended, nay, almost demanded, by the United States postal authorities to be read into the postal laws, that such a bill can not pass through either the House or the Senate. That is mind reading beyond compare. It is going very far to say that if this amendment, that seems to be wanted by so many members of this House who represent districts that are to be affected directly by its provisions, is inserted the whole code will be defeated. It seems very strange that they should not yield to the demand of so many members and take the chance for having this postal code passed on its merits. I do not believe the insertion of either amendment will jeopardize this bill, and if it will the measure can not be very necessary.

Mr. BURKE of Texas. Will the gentleman permit a question?

Mr. GREEN of Pennsylvania. Yes.

Mr. BURKE of Texas. What does the gentleman understand to be a codification of law? To incorporate into it every new matter?

Mr. GREEN of Pennsylvania. No; I say a codification of the law can incorporate new matter and it can also leave out present matter. I say this committee has followed that rule in their definition of codification, because in many places they have left out important clauses in the old law and put in interpolations of their own. If they can do it, as the committee seems to have done, why can not we do it?

Mr. BURKE of Texas. I challenge the correctness of the gentleman's statement.

Mr. GREEN of Pennsylvania. Here is an instance of it in this section alone.

Mr. BURKE of Texas. I deny that.

Mr. GREEN of Pennsylvania. I have here the report of the Postmaster-General, and according to the statements he makes in this very section the committee has cut out important matter.

Mr. BURKE of Texas. I have here the existing postal laws of this country, and I challenge any member of this House to take them and this bill and show where there is a material change made by the committee. The gentleman should show one or else he should retract his statement.

Mr. GREEN of Pennsylvania. I can not go through the several hundred pages of this bill and pick out the additions and omissions in five minutes, and I can not retract my statement, for it is the statement of the Postmaster-General. The gentleman from Texas says "a material change," evidently laying stress on the word "material." The many omissions and insertions may not be considered material by the committee, but they may be material to the people whom we represent.

Mr. GAINES. Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question.

Mr. GREEN of Pennsylvania. The gentleman from Tennessee will kindly wait a minute, as my time is so limited. It is hardly worth while, Mr. Chairman, to prolong this discussion, but I say that this House should not submit to the dictation of the Committee on Post-Offices and Post-Roads, but should assert itself and exercise the right to insert this or any other amendment if it is meritorious. I believe this amendment to be meritorious, and I

hope members of this House will be manly enough and true enough to their constituents to vote for it if it be a benefit to the service by promoting the efficiency of this most important Department of the Government.

Mr. LOUD. Mr. Chairman—

Mr. GAINES. Will the gentleman from California yield to me for a moment?

Mr. LOUD. I want to close this debate, and I have only a few minutes.

Mr. GAINES. I want to reply to the broad-gauge challenge of the gentleman from Texas [Mr. BURKE].

Mr. LOUD. We have discussed this question for nearly an hour and the most of that time has been taken up by the gentleman on that side, with the exception of what little time the gentleman from Texas [Mr. BURKE] has occupied.

Mr. GAINES. Mr. Chairman, the gentleman from Texas a few days ago—

Mr. LOUD. I can not yield, Mr. Chairman, for I have not the time.

Mr. GAINES. That is a fine proceeding—for the committee to issue a challenge of that kind and then not allow time to take it up.

Mr. LOUD. Mr. Chairman, I went over this bill when it was up a few days before. The committee have no pride about this. I want to state to you what I know to be an absolute fact, that if a question which will cause as much contention as this is put into this bill, or any other question of like importance, that can not substantially command the unanimous vote and consent of the United States Senate, this bill must fall of its own weight. We have sought here to codify these laws; we have made some changes, but we did not believe them to be material. Wherever there has been an objection to any change which the committee has made, the committee have assented readily, without debate, to permit it to go out. Now, perhaps you have the votes here today to incorporate this amendment in the bill, but if you succeed—I will tell you what I know to be a fact—if you succeed, you beat this bill.

Mr. CLAYTON of Alabama. Then let us beat the bill.

Mr. LOUD. The gentleman says, "Let us beat the bill."

Mr. CLAYTON of Alabama. If it is not a good bill we ought to beat it.

Mr. LOUD. The provision of the bill is the present law, and if you beat it you will be no better off than you are now.

Mr. CLAYTON of Alabama. If we can not improve the law, let it stand where it is.

Mr. LOUD. I differ with my friends on the other side of the House as to whether this law should be changed or not. Men have a right to have honest differences of opinion. The Second Assistant Postmaster-General has issued an order which has to-day the full force of law. I believe it better to leave this discretionary power in the hands of the Second Assistant Postmaster-General than to enact into an ironclad law a provision which would give him no discretion.

In the section of country in which lettings were had last year 25 per cent of the routes are not let yet. When you get into my section of the country and when you get into the gentleman's section you will find some star routes upon which there is not a single individual who can successfully take the contract and execute it. And here you propose by an ironclad law to tie the hands of the Second Assistant Postmaster-General, so that he must let the contract to a person living on the route, without one particle of discretion.

As I said before, I believe your amendment unwise, in view of the order that has been issued. Whatever may be your belief regarding the future, let the experience of a year or two at least demonstrate whether the plan is practicable. When we remember the fact that for nearly 1,000 routes in section 1 there was no bidder at all, is it not well for us at least to halt on the threshold before we enact into a statute a provision that will compel, or attempt to compel, the Second Assistant Postmaster-General to perform the impossible?

The Post-Office Department tried this system in the State of Texas some years ago; an effort was made to see whether it could be successfully carried out. What was the result? On more than 60 per cent of the routes in that State there was no local bidder at all. And now, upon a matter on which the officer of the Department has a discretion, you want to compel him by statute to let every star route in the United States to a person living on the star route. Why, sir, many of these star routes are not worth \$75 or \$100 a year, and no man could afford to move upon the route and live there for the purpose of executing a contract of this kind.

In conclusion, I beg the House to let this bill pass as it is, without making material amendments to it.

[Here the hammer fell.]

Mr. LATIMER. May I ask the gentleman a question?

The CHAIRMAN. The time for debate is exhausted.

Mr. GAINES. Mr. Chairman, I ask unanimous consent to address the Committee of the Whole for three minutes.

There was no objection.

Mr. GAINES. Mr. Chairman, in a debate on this floor on the 19th instant I addressed to the gentleman from Texas [Mr. BURKE] a question in regard to the insertion of new matter in this bill. I will read my question and his answer as they appear on page 1229 of the RECORD:

Mr. GAINES. The gentleman agrees with me that we have the power to insert new matter into this bill?

Mr. BURKE of Texas. Oh, there is no reason about that; Congress has the power to insert any amendment it pleases.

Mr. TATE. Allow me one moment. The gentleman from Tennessee [Mr. GAINES] will remember that his colleague [Mr. MOON] stated that this bill contains not only the present law, but the regulations of the Department.

Mr. GAINES. Exactly so. And the gentleman from Texas undertook to answer me by saying—the words of his speech as they appear in the RECORD will bear me out—that the changes of law in this bill were confined to the criminal law. But the gentleman from Texas is mistaken. Gentlemen will find on page 16 of the committee's report, under the heading of "Accounts and revenues," this language:

Section 367. This section is new, and so on.

Again I read:

Section 368. This section is new, and so on.

Mr. Chairman, all through this report we find statements of that kind, showing that the changes of law embodied in this bill affect civil matters as well as criminal matters. It will not do for gentlemen to say that this bill is simply a codification of existing laws. It is palpably and confessedly more than that. And even if it were nothing more than a codification, we have the right to insert new matter in the bill.

And, Mr. Chairman, there is nothing better settled in this country than that it is always best as nearly as possible to follow the system of "local self-government," which means that the personnel engaged in carrying on the machinery of government should as far as possible be selected from the locality where that machinery is to work. And, sir, there is not a star route in this country—certainly none of which I have any knowledge—where we can not find industrious boys, colored and white, who are trying to educate themselves by going to day school or night school, and who would be very glad to take these contracts and carry the mail matter along the highways which they perambulate in going to their humble schools or their still more humble homes.

I appeal to the generosity of this House, as this service will be improved to do so, to give the men and boys throughout this country the chance of bidding upon these local contracts rather than make a monopoly of them by putting them in the hands of the "sharks" who now control them throughout the country to the detriment of the mail service. These contractors live away, far away, from the scenes of their contracts; they have no local or personal interest in the mail being delivered promptly, regularly, and well; but their sole purpose is "Go day, come day, God bless pay day."

[Here the hammer fell.]

The question was taken on the substitute offered by Mr. TATE; and on a division there were—ayes 30, noes 51.

So the substitute was rejected.

Mr. LATIMER. Mr. Chairman, I ask unanimous consent, for the information of the House, that the pending amendment upon which a vote is now to be taken shall be read.

The CHAIRMAN. The question is on the adoption of the amendment proposed by the gentleman from South Carolina, which will be again reported.

The Clerk read as follows:

Insert in line 20 on page 25:

"Provided, That no contract for carrying the mails by star-route service from a post-office to a post-office in the United States shall be let to any person or persons not a resident of a county in which the route or a part thereof lies."

The question was taken; and on a division (demanded by Mr. LATIMER) there were—ayes 38, noes 47.

Mr. TALBERT. Mr. Chairman, I demand tellers.

Tellers were ordered.

The Chair appointed Mr. LATIMER and Mr. LOUD as tellers.

The committee again divided; and the tellers reported—ayes 42, noes 63.

So the amendment was rejected.

Mr. STEPHENS of Texas. Mr. Chairman, I now offer the amendment which I submitted a few days ago and ask that it be read as applicable to this section.

The Clerk read as follows:

On page 117 of the bill, at the end of section 270, amend by adding the following:

"That any person living on or near any star route who desires his mail deposited in a box on the line of the route by the carrier on said route may provide and erect a suitable box on the roadside, located in such manner as to be reached as conveniently as practicable by the carrier, and such person

shall file with the postmaster at the post-office to which his mail is addressed a request in writing for the delivery of his mail to the carrier on the route for deposit in said mail box, at the risk of the addressee.

"It shall be the duty of the postmaster at every such post-office, upon a written order from any person living on or near the star route, to deliver to the proper mail carrier for that route any mail matter, except registered mail, with instructions as to the proper mail box into which said mail matter shall be deposited; but no mail matter so delivered to a carrier for deposit shall be carried past another post-office on the route before being deposited in a mail box.

"The carrier on the star route shall be required to receive from any postmaster on the route any mail matter that may be entrusted to him, outside of the usual mail bag, and shall carry such mail matter to and deposit it in the proper boxes placed on the line of the route for this purpose, such service by the carrier to be without charge to the addressees.

"Every carrier of the mail shall receive any mail matter deposited in any box herein provided for, if properly prepaid by stamps, and deliver the same for mailing at the next post-office at which he arrives, and no fees shall be allowed him therefor.

"The provisions of this section relating to roadside star-route boxes shall not apply to existing star-route contracts, but all contracts hereafter made shall be made to conform with this section, and advertisements shall include the requirements herein contained."

The CHAIRMAN. The Chair will suggest to the gentleman that that section has been passed over.

Mr. STEPHENS of Texas. The amendment was originally offered to that section. But I ask to change it now and apply it to section 289, under consideration.

Mr. LOUD. I raise the point of order against that amendment to this section. I will state further that as I understand it this has been already offered and defeated.

Mr. STEPHENS of Texas. The gentleman is incorrect in that. It was passed over at the suggestion of the gentleman himself as not germane to the section to which it was originally offered, and that it should come in at the end of this section. For that reason I offer it now.

The CHAIRMAN. The Chair would state that the understanding of the Chair was that the section to which the gentleman offered the amendment was passed over without prejudice, and that later the committee should return to that section and consider it.

Mr. STEPHENS of Texas. That is correct. That is the suggestion of the gentleman; but I offer it here in order that it may not be precluded from consideration if it properly belongs to this section instead of to the former one.

Mr. LOUD. To what section was it originally offered?

Mr. STEPHENS of Texas. On page 117 of the bill, section 270.

Mr. LOUD. I do not want to go back to that section just now.

Mr. STEPHENS of Texas. If the ruling is against me on that section, I wish it to be understood that I shall offer the same amendment to the section now under consideration. I do not want to be precluded from having it considered in connection with one or the other of these sections.

The CHAIRMAN. The Chair will state that after the reading of the bill is completed the Chair will return to the section indicated, when the gentleman will have the right to offer the amendment.

Mr. STEPHENS of Texas. Then, Mr. Chairman, that is entirely satisfactory to me, and I withdraw the amendment for the present.

The Clerk read as follows:

SEC. 297. That no subletting or transfer of any mail contract shall be permitted without the consent in writing of the Postmaster-General; and whenever it shall come to the knowledge of the Postmaster-General that any contractor has sublet or transferred his contract, except with the consent of the Postmaster-General as aforesaid, the same shall be considered as violated and the service may be again advertised as herein provided for; and the contractor and his sureties shall be liable on their bond to the United States for any damage resulting to the United States in the premises.

Mr. SIMS. Mr. Chairman, I offer the amendment I send to the desk, which I ask to have read.

The Clerk read as follows:

Amend section 297 by striking out all after the word "permitted," in line 11; so that the section will read:

"SEC. 297. That no subletting or transfer of any mail contract shall be permitted."

Mr. SIMS. I shall also propose to strike out the next two sections when they are reached. Of course, my purpose is to apply this to the star-route service.

Mr. Chairman, we have seen by a vote of the committee that the gentlemen in charge of this bill do not propose to incorporate any new legislation upon the bill, no matter how desirable it may be, because this is a codification bill, and the present sections I understand to be the present law.

Now, if we strike out that provision for subletting the contracts we will remedy the evil which has been so graphically described by gentlemen this morning; and hence I do not propose at any length to discuss the proposition, but ask a vote on the motion to strike out all of the section except that portion of the first two lines which the Clerk has read.

Mr. LOUD. Mr. Chairman, it might be possible to so amend the section if it applied exclusively to the star-route contracts. But the gentleman must remember that this applies to all contracts. I do not think that the House can coolly and absolutely, under the

circumstances, prohibit the subletting of any contract in the Post-Office Department; and this paragraph of the bill, or this section, applies to all contracts. And therefore I ask the House to vote down the amendment, and rest the case right here.

Mr. SIMS. I have asked the House to amend the bill so far as it applies to the subletting of star-route contracts.

Mr. LOUD. I do not think the gentleman ought to undertake to do that in an amendment of this kind, so far-reaching in its effects, but should let the law stand as it is. This is now under the supervision of the Postmaster-General, and I ask the House to vote down the amendment.

The question was taken on the amendment of Mr. SIMS and it was rejected.

The Clerk read as follows:

SEC. 304. That the Postmaster-General is authorized and directed to adjust the compensation to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned:

First. That the mails shall be conveyed with due frequency and speed, and that sufficient and suitable room, fixtures, and furniture, in a car or apartment properly lighted and warmed, shall be provided for railway postal clerks to accompany and distribute the mails.

Second. That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, \$42.75; 500 pounds, \$64.12; 1,000 pounds, \$85.50; 1,500 pounds, \$106.87; 2,000 pounds, \$128.25; 3,500 pounds, \$149.62; 5,000 pounds, \$171; and for every additional 2,000 pounds, \$21.37, the average weight to be ascertained in every case by the actual weighing of the mails by employees of the Post-Office Department for such a number of successive working days, not less than thirty, at such times as the Postmaster-General may direct, not less frequently than once in every four years; and the weights taken and the results so ascertained shall be stated and verified to the Postmaster-General by said employees, under such instructions as he may consider just to the Post-Office Department and the railroad companies. And the Postmaster-General is authorized to pay the expenses of taking the weights of mails on railroad routes, as hereinbefore provided, out of the appropriation for inland transportation on railroad routes.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, in connection with the section just read I should like to ask the chairman of the committee if this is an exact reproduction of the present law?

Mr. LOUD. I will state that it is. It is not the original act, because the original act has suffered some reductions. We have simply reenacted the law of 1873 and put in the reductions provided for.

Mr. FITZGERALD of Massachusetts. In this connection I should like to ask the chairman of the committee, who was a member of the commission appointed by the House during the closing days of the Fifty-fourth Congress to investigate the question of railway mail pay, if he can state in a word what the investigations of that committee led to, and if, in his judgment, the present schedule of rates as reported in this classification is the proper schedule, or whether, in his judgment, it ought to be reduced?

Mr. LOUD. The report of the commission sustains the present rate of pay. It is hardly a question that could be answered in a minute. Of course some people differ upon it, but after two years and a half of investigating the question that is the conclusion of six members of the commission.

Mr. FITZGERALD of Massachusetts. I do not understand the gentleman.

Mr. LOUD. I say that the present law is substantially the conclusion of six members of the commission. One member I do not know about, and one member, I believe, has recommended a slight reduction.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I suppose it might be in order to say a word upon this question at the present time. This matter has been agitated a great deal in the House during my career in Congress, and the claim has been repeatedly made upon the floor of the House that the railroad companies of the country were paid an excessive rate for the transportation of the mails. It seems to me that, in view of the great reductions that have occurred in passenger, express, and freight rates on land and on sea during the past twenty-five years, a substantial reduction in the rates paid the railroad companies for the transportation of the mails ought to be made. If this could be done it would obviate the objection that is constantly being raised to the increase of pay for post-office employees.

Every member of this House knows that the reduction in freight rates has been greatly in excess of the reduction in postal rates charged over the railroads. Every member of this House is aware of the fact, which has been repeatedly stated upon the floor of the House here, that the express companies are able to make much better rates with the railroad corporations than the United States Government seems to be able to make. The Pullman Car Company are able to make very much better rates, and the rates of passenger fare have been reduced to a much greater extent than the rates which are made by the railroad companies to the United States Government for carrying the mails.

Now, Mr. Chairman, I have stood upon the floor of this House during the last three sessions of Congress and advocated an increase in the pay of letter carriers and postal clerks, and I have felt a great many times that if proper reduction was made in the

rates paid to railroads for carrying the mails this increase in the pay of postal clerks and letter carriers could be obtained. I had hoped that the report which has been presented to Congress by the commission having this matter in charge during the past two years and a half would recommend such a reduction in the prices paid to railroad companies as to allow a sufficient sum to meet the proposed increase in the pay of letter carriers and postal clerks. As I said when beginning this talk a few moments ago, I did not know what the conclusions reached by this committee were or how they were reached, and I thought I would take advantage of the opportunity offered to state that, in my judgment, without having given the matter any particular investigation, there ought to be a reduction consistent with the reduction that has been made by common carriers on all classes of merchandise the past twenty-five years.

That is upon the theory that if the railroad corporations of the country have made a great decrease in the rates charged for carrying freight and passengers and express matter, the United States Government ought to be put in the same category and ought to receive the same benefit.

While on this subject I might add that, while the cost of living has increased materially in the past few years, the letter carrier and the major part of the postal and railway mail clerks get the same salary. Let us take some of the big profits that the railroads obtain for carrying the mail and appropriate a proper increase to our post-office employees.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by CUNNINGHAM, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

- S. 5272. An act granting an increase of pension to Thomas M. Wimer;
- S. 3391. An act granting a pension to John Black;
- S. 5171. An act granting an increase of pension to Albert H. Fairchild;
- S. 5369. An act granting an increase of pension to Edmond Cragg;
- S. 5675. An act granting an increase of pension to Mary C. Holmes;
- S. 4695. An act granting a pension to James Dorsey;
- S. 5363. An act granting a pension to Lizzie Wattles;
- S. 5405. An act granting an increase of pension to John H. Taylor;
- S. 5191. An act granting an increase of pension to Selah V. Reeve;
- S. 3580. An act granting an increase of pension to Theron Johnson;
- S. 5204. An act granting an increase of pension to John Scott;
- S. 4748. An act granting an increase of pension to Mary Wolcott Kilburn;
- S. 2738. An act granting an increase of pension to James M. Munn;
- S. 5431. An act granting an increase of pension to William H. Ball;
- S. 5559. An act granting an increase of pension to Adolphus Richardson;
- S. 5451. An act granting an increase of pension to Mary M. Hyde;
- S. 3030. An act granting an increase of pension to Henry Guckes;
- S. 5560. An act granting an increase of pension to J. W. Harden;
- S. 3482. An act granting an increase of pension to Elias M. Lynch;
- S. 3483. An act granting an increase of pension to Jeremiah Jackson;
- S. 1065. An act granting an increase of pension to Bettie Lee Ward;
- S. 3386. An act granting a pension to Catherine L. Taylor;
- S. 5050. An act granting an increase of pension to Charles A. Marsh;
- S. 5428. An act granting an increase of pension to Charles R. Cole;
- S. 5622. An act granting an increase of pension to Georgina M. Mack;
- S. 5450. An act granting an increase of pension to Rachel J. B. Williams;
- S. 1365. An act increasing the pension of Lorinda N. Smith;
- S. 5007. An act granting an increase of pension to George N. Tarbuton;
- S. 4630. An act granting an increase of pension to James H. Bellinger;
- S. 3935. An act granting an increase of pension to James Ryan;
- S. 1698. An act for the relief of Henry Hegwer;
- S. 5494. An act granting an increase of pension to John S. Mitchell;

S. 5400. An act granting a pension to Martin Dismukes;
 S. 3521. An act granting a pension to William P. Payne;
 S. 4828. An act granting an increase of pension to Norman Stewart;
 S. 648. An act granting an increase of pension to Margaret G. White;
 S. 2237. An act granting an increase of pension to Uriah Clark;
 S. 2104. An act granting an increase of pension to William L. Aten;
 S. 4692. An act granting an increase of pension to Asa W. Taylor;
 S. 5146. An act for the relief of Robert H. Jones;
 S. 3400. An act granting an increase of pension to Charles T. Shaw;
 S. 4542. An act granting a pension to Jane Woods;
 S. 5409. An act granting an increase of pension to John W. Phillips;
 S. 4731. An act granting an increase of pension to Henrietta M. Leiper;
 S. 5507. An act granting a pension to Mary Priscilla Allen;
 S. 5506. An act granting a pension to Mary Fryer, now Gardner;
 S. 5505. An act granting a pension to Kate M. Scott;
 S. 5397. An act granting a pension to Charity McKenney;
 S. 4772. An act granting a pension to John W. Eichelberger;
 S. 4237. An act granting a pension to Frances Helen Lewis;
 S. 5170. An act granting a pension to Louise Walcott Browne;
 S. 5525. An act granting an increase of pension to Warren Damon;
 S. 5172. An act granting a pension to Elizabeth Bughman;
 S. 5233. An act granting an increase of pension to Philetus M. Axtell;
 S. 5031. An act granting a pension to Margaret A. Potts;
 S. 4960. An act granting a pension to Minerva M. Helmer;
 S. 5325. An act granting a pension to Michael Mullin;
 S. 2153. An act granting an increase of pension to Jesse N. Dawley;
 S. 1602. An act granting an increase of pension to Morris B. Kimball;
 S. 413. An act granting a pension to Albert S. Cummings;
 S. 5201. An act granting a pension to Samuel F. Radford;
 S. 2828. An act granting an increase of pension to Hippolyte Perrault;
 S. 2232. An act granting a pension to Frederick Sien;
 S. 2709. An act granting a pension to Marietta Elizabeth Stanton;
 S. 1786. An act granting an increase of pension to Fielding Marsh;
 S. 2843. An act granting an increase of pension to John Johnson;
 S. 3193. An act granting a pension to Charles H. Force;
 S. 3280. An act granting an increase of pension to Henry Keene;
 S. 4938. An act granting an increase of pension to Esther Ann Grills;
 S. 914. An act granting an increase of pension to Charles L. Summers;
 S. 5074. An act granting an increase of pension to Sarah F. Bridges;
 S. 4531. An act granting a pension to Harriet S. Richards;
 S. 5187. An act granting a pension to Corinne Strickland;
 S. 5322. An act granting an increase of pension to Daniel W. Warren;
 S. 4985. An act granting an increase of pension to George C. Jarvis;
 S. 5006. An act granting an increase of pension to John T. Comegys;
 S. 2079. An act granting a pension to William Ashmead;
 S. 715. An act granting a pension to Fiddler White; and
 S. 5726. An act granting an increase of pension to Zadok S. Howe.

The message also announced that the Senate had passed without amendment the bill (H. R. 11785) to provide for the construction of a bridge by the Fargo, Duluth and Northwestern Railroad Company across the Red River of the North at Fargo, N. Dak.

The message also announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House of Representatives was requested:

H. R. 9928. An act granting an increase of pension to H. S. Reed, alias Daniel Hull;
 H. R. 9382. An act granting a pension to Adella M. Anthony; and

H. R. 4718. An act to regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes.

CODIFICATION OF POSTAL LAWS.

The committee resumed its session.

The Clerk read as follows:

Sec. 308. That additional pay may be allowed for every line comprising a daily trip each way of railway post-office cars at a rate not exceeding \$25

per mile per annum for cars 40 feet in length and \$40 per mile per annum for 50-foot cars and \$50 per mile per annum for 60-foot cars.

Mr. BARTLETT. Mr. Chairman, I desire to inquire of the chairman of the Committee on the Post-Office and Post-Roads whether this is a change of the present law?

Mr. LOUD. We simply strike out the 55-foot car, which no longer exists. That is the only change.

Mr. BARTLETT. I ask the gentleman this question for information. Last session I received information—whether it emanated from the railroad companies I do not know—that in a number of towns in my own district on the lines of the railroad many citizens were very much concerned about the then proposed reduction in the size of the mail cars in which the mails should be transported, and they thought it might affect the manner in which they were being carried. I received a number of petitions from citizens and merchants, from the mayor and council of a number of towns along the line, saying that the proposition of the Postmaster-General, as they understood it, if he reduced the size of the car, would interfere with the quickness and celerity in carrying the mails.

In other words, that the public were to be affected seriously by this proposed change. I investigated it somewhat, and went to the Second Assistant Postmaster-General, and learned that the complaint arose from the railroads, and the patrons of the offices in places that were to be affected by the mail would not suffer; that there would be no decrease in the efficiency or celerity with which the mails were carried. I want to ask the gentleman if this change proposed will in any way affect the transportation of the mails and the efficiency and celerity with which they are now carried.

Mr. LOUD. I will say we have simply stricken out the 45 and 55 foot cars, which became obsolete some years ago. We have none of them, and have had none for ten or fifteen years. They are building no more, and we simply confine it to the cars that are in use—40, 50, and 60 feet. That is the change.

Mr. BARTLETT. Does the gentleman think it will affect the service?

Mr. LOUD. It can not have any effect on the service. We simply strike out what is obsolete—the 45 and 55 foot cars.

Mr. BERRY. I want to ask the gentleman a question. If you can fix the rate for which the mail shall be carried by the mile, why can not you fix the rate by the postal route?

Mr. LOUD. I suppose we could; but I question whether it would be wise. The routes are not similar.

The Clerk read as follows:

XIII. Railway Mail Service.

Mr. TAWNEY. A parliamentary inquiry. I desire to offer a substitute to sections 320, 321, 322, 323, 324, and 325. Will I have the right to do so by permitting the reading of all these various sections on giving notice that I intend to offer a substitute for all the sections that I have named?

The CHAIRMAN. The Chair would suggest, if that be the purpose of the gentleman, that he ask unanimous consent that these sections may be read, and his amendment may be offered as a substitute for the sections.

Mr. TAWNEY. The proposition I desire to offer will not be an amendment to any one particular section, but is a substitute for all of them; and I should think the rule would permit that to be done when the last section was read for which I propose to offer a substitute and for the ones that precede it.

The CHAIRMAN. Will the gentleman again state the numbers of the sections to which he proposes to offer a substitute?

Mr. TAWNEY. I propose to offer a substitute for sections 320 to 325, inclusive.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that when the reading of section 325 is concluded he may then offer a substitute for the sections from 320 to 325, inclusive. Is there objection?

Mr. LOUD. Mr. Chairman, I should like two or three minutes to make a suggestion or two about that. On the statement that was made when this bill was taken up, and the statements that have been made during the progress of the debate, what progress has been made is by reason of the fact that various members have surrendered what views they may have had on the salary bill, upon the star-route contracts, and I know that many members have surrendered the views they had in regard to changing the railroad mail pay, which questions would all be in order upon this bill.

Now, after there have been these concessions so far, and in view of the statements that have been made by members of the committee—and I will now renew it—that if any amendment be proposed to this bill on this question which shall give rise to debate, that I think that this would defeat it in the House. If, perchance, such legislation as concerns this point should be adopted by the House, and the bill should go to the Senate, then such action will necessarily defeat the passage of the bill in the Senate. I know

the gentleman is very earnest and anxious to have such legislation as is now indicated enacted into law.

I say to the gentleman in good faith, the utmost good faith, that you can not accomplish it here. I think I understand the situation, and I am dealing perfectly frankly with the House and perfectly frankly with the friends of this bill when I say that it can not pass the United States Senate except by unanimous consent substantially the same as it has here. We have been able so far to obtain substantial consent from the different members that have their views upon many of the contested questions. This very question was waived by gentlemen when the gentleman from Minnesota was absent. We could have pressed this bill to passage during his absence, but it was postponed until the gentleman could get here. If I can by any act of mine prevent the defeat of this bill, I shall do so; and with these views I feel constrained, Mr. Chairman, to put every obstacle in the way of bringing this question before this House for discussion. I think the gentleman will see the force of the statement I have made.

Mr. TAWNEY. Mr. Chairman, I have no desire to embarrass the chairman of the Committee on Post-Offices and Post-Roads in the passage of the bill now under consideration. Nor do I believe that the consideration and possible adoption of this amendment would in the least injure the passage of this bill in the United States Senate. The proposition which I propose as a substitute for the classification included in the bill reported from the Committee on the Post-Office and Post-Roads is the classification that has passed the Senate of the United States three times. And when the matter was before the House in the last session, it was manifest that the sentiment and opinion amounted to a belief by the members of the House that this reclassification should be enacted. It is a reclassification that has been recommended by the Post-Office Department for the last ten years, and I am unable to see, therefore, how we can in the least prejudice the passage of this bill by incorporating in it a provision that has passed the Senate several times, while the House at the last session clearly indicated its desire to see this reclassification enacted into law.

Now, it is proposed by the codification bill to reenact the present classification of the Railway Mail Service; that is all the committee propose. Examine the reports of the Postmaster-General, of the General Superintendent of the Railway Mail Service, of the Second Assistant Postmaster-General, for several years back, and you will find that all of them, every year, have submitted to Congress recommendations in favor of the reclassification of that service upon the ground that the service has outgrown the old classification.

Now, in view of the fact that this proposition which I ask to have incorporated in this bill has the indorsement of all the employees in the service; in view of the fact that it is recommended by the Department, by the superintendent of this great arm of our postal service; in view of the fact that it has received favorable consideration in this House and has several times passed the Senate, I am unable to see how it can in the least prejudice the passage of this bill, and for these reasons I desire to incorporate it in the bill as a substitute for that which the committee proposes, or for the existing law which it is proposed to reenact.

I can not see, Mr. Chairman, that under these circumstances I am offering anything that will in the least embarrass the chairman of the committee, or the Committee on Post-Offices and Post-Roads in its desire to secure the passage of this measure. We now have the approval of both Houses, we have the approval of the Department, and we know full well that unless this legislation is secured at this session of Congress it perhaps will not be secured for the next ten years. Feeling, as I do, that that will be the inevitable result of its failure in this Congress, believing that a reclassification is necessary, and that the men in this service are entitled to the increased salaries recommended by the Department, I trust that the chairman of the committee will waive any objection, and will allow the proposition to be considered on its merits.

Mr. LOUD. Will the gentleman listen to me for a moment?

Mr. TAWNEY. With pleasure.

Mr. LOUD. Mr. Chairman, the gentleman from Minnesota has been long enough in Congress to know that sometimes one branch of Congress passes a bill while it may be tacitly understood that it will not get any further. These are known secrets. Take as an illustration the time the letter carriers bill passed the Senate by unanimous consent. The Senator responsible for the passage of that bill—I have sometimes believed God in His infinite wisdom took him out of that body for the deception which he practiced. The RECORD will show that he arose in his place while a gentleman had the floor addressing the Senate and said: "Will the Senator yield to me? I have a little bill of four or five lines of no importance whatever, and I would like to have it pass the Senate by unanimous consent." The Senator yielded, he brought up his bill, his innocent bill of four or five lines, and it passed by unanimous consent. The Senator the next morning, having discovered what was done, introduced a motion to reconsider. A consultation took

place between certain Senators and certain gentlemen of the House of Representatives and they were assured that the bill could be held here and no motion to reconsider was pressed. Now, the gentleman from Minnesota knows as well as he knows anything else that oftentimes measures of this character, preceding an election, pass one body when it is thoroughly understood that the other body may hold it.

Mr. TAWNEY. I do not care to be bound by the assumption of the gentleman from California.

Mr. LOUD. One thing further. I know there are gentlemen in the United States Senate that will not permit this bill to pass if this measure is put upon it, and I know that if this item be put in this bill the same courtesy should be extended to gentlemen who are as much interested in other increased-salary provisions, amounting in the total to anywhere from ten to fifteen million dollars annual increase, and—let me say to the gentleman from Minnesota I am appealing to him in the interest of this bill—they have given way and have not pressed the discussion of their matters—

Mr. TAWNEY. Will the gentleman from California allow me to ask a question?

Mr. LOUD (continuing). And it was understood by every one here that this should be permitted to take the same course.

Mr. TAWNEY. Let me ask if these gentlemen did not give way after their propositions were defeated? Was not the opportunity given the committee to vote on the propositions?

Mr. LOUD. That is true.

Mr. TAWNEY. I simply ask for the same opportunity in behalf of the railway postal clerks—that there may be some expression of the Committee of the Whole House.

Mr. LOUD. I had hoped, after the expression that has already been given, and after so many people have yielded their views, that the gentleman from Minnesota, fresh from his own State, not crowned with laurels, it is true—but I wish he may have been—

Mr. TAWNEY. I thank the gentleman for his kindness.

Mr. LOUD (continuing). Would be kind enough to withdraw this amendment and let this bill proceed, in order that it may have some chance of getting through.

Now, I can assure the gentleman—and I know what I am talking about—that there are some Senators who will not allow this bill to pass if there is placed upon it any debatable legislation—any change of law that is debatable. That is the fact.

Mr. TAWNEY. What I wish to say to the gentleman from California, in further explanation of my position, is this: As chairman of the Committee on Post-Office and Post-Roads he knows as well as almost every member of this House—knows better than any other member of this House, I may say—that the railway postal clerks of the United States, supported as they are by their Department in their demand for a reclassification of their branch of the service, have been here demanding this legislation in the interest of the public, in the interest of the postal service, as well as in their own interest. He knows very well, if he would state plainly to the House the facts, as he generally does, that as long as employees in other departments of the postal service are demanding the passage of legislation for the increase of their salaries or the reclassification of their branch of the service the railway postal clerks will never receive any consideration in this House.

Mr. LOUD. They received a hundred-dollar increase of salary last year.

Mr. TAWNEY. I understand that they received an increase of salary at the last session of this Congress; but that increase, as the gentleman knows very well, was only the increase authorized by law at that time, and it inured to the benefit of the men who received the highest salaries in the service at that time. But as the General Superintendent of the Railway Mail Service said in his annual report, he asks for this reclassification in order that the rank and file of that service may receive what justly belongs to them, in consideration of the increased labor which they are obliged to perform. There has been no benefit at all to anyone except classes 4 and 5 and those who are in the service above them.

This proposed reclassification will not materially increase the expenses of the Department; and in all fairness, in view of the failure of the Department for all these years to procure this legislation which it has recommended, in view of the favorable action on the part of the Senate on this proposition, I appeal to the House to support this measure. I do not for a moment question the statement of the gentleman from California in regard to the passage of the bill for the reclassification of the letter carriers, but I defy him to show, either from the record or from private conversation, any evidence that the passage of the railway reclassification bill by the Senate was accomplished in any other than in an honorable way or for any other reason than that it appealed to the good judgment and fairness and common sense of the Senate.

Only at the last session the Committee of the Senate on Post-Offices and Post-Roads failed to put this provision on the appropriation bill by the lack of one vote, showing the sentiment of that committee on the proposition; and I have reason to believe that if the attitude of the Department had been fully understood by all of the Senators at that time the provision would have been placed on the appropriation bill in the Senate at the last session.

In view of these facts I am unable to see how the adoption of this reclassification measure which is recommended by the Department can in the least affect the passage of this bill. I ask the gentleman to give to this House an opportunity (as he has given an opportunity to the friends of the post-office clerks and the letter carriers) to vote on this proposition.

Mr. LOUD. The gentleman must understand that I gave those gentlemen no privilege that rested with me to concede. They simply availed themselves of such privilege as they had under the rules of the House.

Mr. TAWNEY. I think I have the right to offer this bill as a substitute for the classification which is proposed in this bill, and the only question is whether I am obliged to ask unanimous consent after the reading of these sections 320 to 325, inclusive—

Mr. LOUD. I do not think the gentleman will hold that he can return to a section after it has been passed.

Mr. TAWNEY. This section, 320, has not been passed.

Mr. LOUD. That is very true.

Mr. TAWNEY. And that is one of the sections to which I propose to offer my proposition as an amendment. Of course the substitute which I propose to offer covers the entire classification. It may be impossible to so divide the different parts of this proposition as to make them dovetail into the sections as they are in the bill. But the substitute which I propose covers the entire classification of the Railway Mail Service as proposed in the six sections for which I desire to offer a substitute. I think the matter can be arranged by an understanding that, after those sections have been read, I may be permitted to offer a substitute for all of them, having given notice in advance.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] will restate his proposition for unanimous consent, so that it may be correctly stated by the Chair.

Mr. TAWNEY. My proposition is to offer a substitute for sections 320 to 325, both inclusive, covering the entire classification of the Railway Mail Service.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to offer a substitute for sections 320 to 325, inclusive. Is there objection?

Mr. LOUD. I have objected once. I do not like to be put on the rack so frequently.

The CHAIRMAN. The present occupant of the chair was not here when that was done. Objection is made by the gentleman from California. The Clerk will resume the reading of the bill.

The Clerk read section 320, as follows:

SEC. 320. That the Postmaster-General may appoint a general superintendent of railway mail service, who shall receive a salary of \$3,500 per annum; 1 assistant general superintendent of railway mail service, who shall receive a salary of \$3,000 per annum; 1 chief clerk of railway mail service, to be employed in the Post-Office Department, who shall receive a salary of \$2,000 per annum; 11 division superintendents of railway mail service, who shall each receive a salary of \$2,500 per annum, and 11 assistant division superintendents of railway mail service, who shall each receive a salary of \$1,800 per annum.

Mr. TAWNEY. Mr. Chairman, I offer now as a substitute for section 320 the amendment which I have sent to the desk.

The CHAIRMAN (Mr. LACEY in the chair). The Clerk will read the amendment proposed by the gentleman from Minnesota. The Clerk read as follows:

Strike out section 320 and insert:

"That on and after the 1st day of July, 1901, employees of the Post-Office Department known as railway postal clerks shall be divided into ten classes and be paid according to the following rates per annum: First class, not exceeding \$800; second class shall receive \$900; third class shall receive \$1,000; fourth class shall receive \$1,100; fifth class shall receive \$1,200; sixth class shall receive \$1,300; seventh class shall receive \$1,400; eighth class shall receive \$1,500; ninth class shall receive \$1,600; tenth class shall receive \$1,800.

"The Postmaster-General may, however, at his discretion, temporarily reduce the salary of any clerk as a penalty for delinquency or misconduct in such sum as he may deem necessary for the maintenance of discipline and efficient service, such reductions to be based upon a demerit system, which shall be uniform throughout the service.

"That the original appointments to the position of railway postal clerk shall be made to class 1 for a probationary period of six months from the date of the same, less such time as the appointee may have performed service as a substitute clerk, as provided by the postal laws and regulations and the civil-service laws and regulations; and no permanent appointment shall be made before the expiration of the probationary period, and then only when the appointee shall have shown himself proficient in his duties, fully competent to perform the same, and has made a satisfactory record.

"Promotions shall be based solely upon efficiency, faithfulness, and good conduct, and the clerk must serve at least six months in each class before being promoted to a higher class: *Provided*, That on lines upon which full railway post-office cars have been authorized by the Postmaster-General a clerk appointed to a crew of 5 or more shall, after having passed the probationary period, be appointed a clerk of class 2, and if he proves himself proficient in his duties and has made a satisfactory record, he shall, within a year after receiving his permanent appointment, be promoted to class 3, and shall not be further promoted unless there is a vacancy in a higher class; but if he is appointed to a crew of 2, 3, or 4 clerks, and continues to make a

satisfactory record, then he shall be advanced one grade each year until he shall have reached the maximum class of the lowest grade in the car to which he is assigned, as hereinafter provided for.

"On lines upon which full railway post-office cars have not been authorized by the Postmaster-General, where but one clerk to a car is appointed to perform the duties and who runs an average of 110 miles or more per day, he shall be of class 5.

"If the daily average of miles run is less than 110 and not less than 100, the clerk shall be of class 4; if less than 100 and not less than 90, the clerk shall be of class 3; if less than 90 and more than 80, the clerk shall be of class 2. If the average distance run is 80 miles or less, the clerk shall be of class 1, and the salary shall be not less than \$10 per annum for each mile of the daily average of miles run: *Provided*, That the clerks of these classes, assigned as above, are employed exclusively by the Post-Office Department.

"On lines upon which full railway post-office cars have not been authorized by the Postmaster-General, where more than one clerk is assigned to duty in a car, the additional clerks shall be of classes lower than the clerk in charge, except where the clerk in charge is of class 1, and in no case shall such additional clerks be of a class higher than class 4. Where helpers are assigned to duty on such lines they shall not be of a class higher than class 3.

"On lines upon which full railway post-office cars are run by the order of the Post-Office Department, and to which 2 clerks to a crew are assigned, there shall be 1 clerk of class 8 and 1 clerk of class 6 or lower, as hereinafter provided for.

"On lines upon which full railway post-office cars are run by order of the Post-Office Department, and to which 3 clerks to a crew are assigned, there shall be 1 clerk of class 8, 1 clerk of class 6, and 1 clerk of class 5 or lower, as hereinafter provided for.

"On lines upon which full railway post-office cars are run by order of the Post-Office Department, and to which 4 clerks to a crew are assigned, there shall be 1 clerk of class 8, 1 clerk of class 6, 1 clerk of class 5, and 1 clerk of class 4 or lower, as hereinafter provided for.

"On lines upon which full railway post-office cars are run by order of the Post-Office Department, and to which 5 or more clerks to a crew are assigned, there shall be 1 clerk of class 8, 1 clerk of class 6, 1 clerk of class 5, 1 clerk of class 4, and others of class 3 or lower, as hereinafter provided for.

"On lines where more than one distributing car is run in a train there shall be 2 additional clerks of class 6 for each additional distributing car.

"The clerk receiving the highest salary in any crew will be designated clerk in charge.

"Clerks employed on steamboat lines shall be of class 1, the salary to be determined by the amount of work to be performed and whether they are employed exclusively by the Post-Office Department.

"Clerks employed as porters in railway post-offices shall be of class 1 and shall be paid a salary not exceeding \$600 per annum.

"The General Superintendent may, when necessary, detail clerks of such classes as the character of the work may indicate to duty at important railway junctions, such clerks to be designated as transfer clerks in charge and assistant transfer clerks; and it shall be their duty to look after the handling and transfer of mails at railroad depots and perform such other work pertaining to the Railway Mail Service as may be required of them. When more than one clerk is needed for such duty at the same depot, the additional clerks shall be of classes below class 7, but in no case shall more than 1 clerk of the same class, above class 3, be so detailed at the same depot.

"Such clerks as may be assigned to duty in charge of one or more lines shall be of class 9, and be designated as chief clerks, and shall, when traveling on business of the Department, be paid from the appropriations for the transportation of mails on railroads their actual and necessary expenses, but not exceeding \$3 per diem.

"There shall be one clerk detailed to duty in the office of each division superintendent, who shall be designated assistant superintendent Railway Mail Service, and who shall act as division superintendent in the absence of that officer. Such clerk shall be of class 10, and shall, when traveling on the business of the Department, be paid from the appropriation for the transportation of mails on railroads his actual and necessary expenses, but not exceeding \$3 per diem.

"There may be detailed to duty in the office of the General Superintendent and of each division superintendent of Railway Mail Service as many railway postal clerks, in the judgment of the General Superintendent, as may be necessary to transact the business of those offices properly; but there shall be but one clerk of class 10 detailed to duty in the office of each division superintendent.

"That all railway postal clerks whose duties require them to work six days or more per week, fifty-two weeks per year, shall be allowed an annual vacation of fifteen days with pay.

"No clerk shall receive less salary after the passage of this act than he was receiving prior thereto, and no clerk shall be reduced from a higher to a lower grade after his assignment thereto unless such salary or grade is properly reduced by reason of his inefficiency to perform the duties of such higher grade, unless temporarily reduced as a penalty for delinquency or misconduct, as hereinafter provided for, or unless the status of the line to which he is assigned may be so changed by the reduction of mileage, withdrawal of full railway post-office cars, reduction of force, or otherwise, as to bring him within a different class, as provided in this act, or unless he be transferred from one line to another at his own request or in the interest of the public service."

Mr. LOUD. Mr. Chairman, I raise the point of order that this amendment is not germane to section 320, which deals exclusively with the Superintendent, the assistant superintendents, and division superintendents of the Railway Mail Service. I do not want to act in seeming bad faith, Mr. Chairman, with the gentleman from Minnesota, but I feel compelled to raise the point of order.

The CHAIRMAN. Does not the gentleman consider it germane to the bill?

Mr. LOUD. I do not think there is any doubt that it is germane to the bill. But my understanding is that we consider these bills by sections and the amendments must be germane to the sections.

Mr. TAWNEY. But it may include more, may it not, than is covered by the section?

The CHAIRMAN. This is one of the embarrassments in the consideration of a codification bill. It covers very much territory. If it is germane to the bill and in some degree germane to the section also, as well as to other sections of the bill, the gentleman offering the amendment, the Chair thinks, would have the privilege of attaching it to any one of the particular sections to which it is in part germane and would then have an opportunity,

or should have an opportunity, of moving to strike out the other sections which the amendment supplants.

Mr. TAWNEY. I will give notice, then, Mr. Chairman, that if the amendment is adopted, I will move to strike out sections 321 to 325, both inclusive.

The CHAIRMAN. That motion would not be in order at this time.

Mr. TAWNEY. No; I simply give notice of my intention to offer it at another time if the substitute is adopted.

The CHAIRMAN. The Chair overrules the point of order.

Mr. TAWNEY. Mr. Chairman, I wish to say only a few words to the committee in explanation of the proposed amendment.

This amendment now offered as a substitute for section 320 was introduced in the Fifty-fourth, Fifty-fifth and also in the Fifty-sixth Congresses, and has the unanimous indorsement of the railway postal employees throughout the United States. It is approved and recommended by the Department itself and is simply an act of justice.

The basis upon which the legislation is asked, both by the employees of the Department and the Department itself, is the fact that the service has outgrown the old classification. When that classification was first enacted there were no solid mail trains in the United States. There were no crews—railway postal crews—to exceed 5 in number; whereas to-day we have as many as 20 and 22 men to the crew.

It is also a fact, Mr. Chairman, that the men who would be benefited primarily by the passage of this reclassification are the rank and file of the men now employed in the service, as they are designated by the General Superintendent of the Railway Mail Service, Captain White, in his last annual report.

Now, I have here an analysis of the proposed amendment which was prepared by the Post-Office Department at the last session of Congress. This shows exactly the effect of the amendment as to each individual class. This analysis was made or prepared before we increased the salary of the men in classes 4 and 5, so that the higher classes would receive a less increase in the event of the passage of the amendment. But class 10 under the proposed amendment would receive an increase of \$200 a year, class 9 an increase of \$200 a year, class 8 an increase of \$200 a year, and with reference to class 7 there will be no increase at all. Class 7 is made up of the transfer clerks. The transfer clerks are placed in class 7, and because of the lighter work to be performed it was not deemed necessary to increase their salary.

Class 6 would receive an increase of salary of \$150 a year under the amendment, and there are 1,632 men in that class. Class 5, which Captain White recognizes and designates as the "rank and file of the service" and in which there are 3,251 men, would receive an increase of \$200 a year. Class 4 would receive an increase of \$100 a year, and class 3 \$100 a year, in which class are 1,320 men.

Now, Mr. Chairman, this reclassification, as I said before, has been deemed absolutely necessary by the Department in consequence of the growing and steady increase of the service. It is deemed necessary, because of the inadequacy of the present classification, to enable the Department to so adjust and place the employees in that Department where the Government can receive from them the best services possible.

And, Mr. Chairman, I for one think that there is no class of Government employees who are entitled to more favorable consideration at the hands of the representatives of the people of this country than are the railway postal clerks. To the men who sit at the front doors of the offices of the heads of Departments and the heads of divisions in the Executive Departments to prevent Senators and Members of the House from entering the presence of these distinguished gentlemen unannounced you pay more salary than you pay to the men who are working from fifteen to twenty hours a day in the Railway Postal Service and whose lives are in jeopardy every minute of that service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WM. ALDEN SMITH. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the gentleman from Minnesota may have five minutes more. Is there objection?

There was no objection.

Mr. WM. ALDEN SMITH. Mr. Chairman, I want to ask one question, and that is the amount that this proposed increase would aggregate?

Mr. TAWNEY. In the last session, when this matter was under consideration, I had the question carefully considered by the Post-Office Department, and the total increase was just a little over \$1,000,000. It would be less than that now, because we increased the salaries of the railway postal clerks in the last session, those in classes 4 and 5 to the maximum fixed by law. My recollection is that the aggregate of that increase was \$226,000 per annum. But, Mr. Chairman, I assume that the principal objection which the chairman of the Committee on the Post-Office and Post-Roads

will make to the adoption of this amendment is not that the Department demands it or has recommended it, not that the railway postal clerks favor it, not that they are not entitled to all that they ask, but because he assumes to fear that the adoption of this amendment will defeat the final passage of his proposed codification bill.

Now, if you stop to think for one moment what action has been taken in the other branch of Congress on this very proposition; if you stop to think of the favor with which this proposition has been received in the Senate, and with what favor it has been received in this House; if you stop to think of the fact that 260 members of this House have expressly declared themselves in favor of the passage of this proposition, I fail to see wherein there is any tangible reason or substantial ground upon which the gentleman from California [Mr. LOUD] can claim that the adoption of this amendment would in the least jeopardize or prejudice the passage of his bill. And that being so, I submit in all candor and in all fairness that this committee should vote this proposition into the bill. When you do that, what have you done?

You have adopted that which the Department has recommended, that which this House has indorsed, that which the Senate of the United States has indorsed, that which the railway postal clerks have asked for, as a substitute for the present law, which has been universally condemned, both by the Department and by the employees in the service, on the ground that it has outlived its usefulness and is inadequate to meet the present demands of that important and growing arm of our postal service.

I therefore trust, Mr. Chairman, that this amendment will be adopted; that it will be voted upon favorably by the members of this House who, at least, have in the past declared themselves in favor of the reclassification of the Railway Postal Service.

Mr. SPERRY. Mr. Chairman, I want to indorse what the gentleman from Minnesota [Mr. TAWNEY] has just said in relation to the classification of railway mail clerks. I believe that we have got to come to it. I believe we have got to have a reclassification, not only in the Railway Mail Service, but of the clerks in the post-offices and the letter carriers, and the sooner we come to it the sooner we will come to that which the Department believes should be had. I sincerely hope that this amendment, proposed by my friend [Mr. TAWNEY], will pass, and if an opportunity occurs whenever the other classification bills can properly be brought before this House I hope that they also will be passed upon favorably by the House.

Mr. BROMWELL. Mr. Chairman, whatever position the members of the House may take when the matters involved here are properly presented—and I am free to say that I think the day will come when we must act upon these various classification bills—it does seem to me in view of the action of the House in rejecting the reclassification bills for the carriers and for the clerks, that we ought not to make a discrimination at this stage of the bill in favor of the railway mail clerks. The gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Connecticut [Mr. SPERRY] must surely know that if this provision is ingrafted on this bill, and it leaves the House in that shape and goes to the Senate, the Senate will recognize the unfairness of selecting one of the three classes of postal employees and reclassifying it and leaving out the others.

That amendment would lead to discussion and further amendment of the bill in an effort to put in one or the other of the classes, and it certainly will follow that not even one of those three classes will get the benefit of the bill, for the reason that the bill itself will never be considered in the Senate. Now, I say that not intending to impute any threat on the part of any Senator that he will stop this bill unless he can shape it as he thinks fit. If we can send this bill to the Senate and say, as the chairman of the committee said to this House, that it contains substantially no variation from the existing law, there will be an opportunity, possibly, of getting the bill considered by the Senate; but if the Post-Office Committee of the Senate upon being questioned has to admit that there are serious changes in existing law in the bill as it came from the House, you gentlemen that have practical knowledge of legislation must know positively that no bill that would provoke discussion as this then would will go through in this short session with the present pressure of business in the Senate, and you know that it will not receive any consideration whatever.

I am frank to say that if the House should incorporate the reclassification bill for the railway mail clerks I think it would be but fair to open up the question again to reclassify the clerks and reclassify the carriers, because, after all, these three classes are pretty nearly of equal merit when you come to consider their classification bills. There are no arguments in favor of one that may not with equal force apply to the other. I speak as one member of the committee who has always been friendly to these employees of the Government, and I desire to say that, in my judgment, they should receive full compensation for their services as compared with those engaged in private business. I should be glad

to have these classification bills taken up and considered upon their merits.

I want to say to the gentleman from Minnesota and the gentleman from Connecticut, both of whom know the position I have taken in the past upon these questions, that I am ready when the proper time comes to lend my assistance to the reclassification of all three of these branches of the public service. But I do not think, after the House has gone thus far in this bill without a substantial change of the existing law, that we ought to jeopardize the passage of this bill by ingrafting so important a change upon it.

Mr. TAWNEY. Will the gentleman permit me to ask him a question?

Mr. BROMWELL. Certainly.

Mr. TAWNEY. Is it not a fact that your committee has had under consideration now for three successive Congresses this very proposition, and have refused to report any of them, because if you reported one you state that you should report all of them? Is that the fact?

Mr. BROMWELL. I do not know that that is the reason that none of them has been reported; but it is my own belief that if you shall favor any one of these classes the other two are equally entitled to it.

Mr. TAWNEY. Let me ask you this further question. Is it right or just to the employees of that department of this Government to make their right to an increase of salary depend upon the question of other clerks in some other department being entitled to an increase?

Mr. BROMWELL. Now, then, I will answer the gentleman's question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask unanimous consent that the time of the gentleman may be extended five minutes.

There was no objection.

Mr. BROMWELL. The gentleman has selected this particular class of postal employees and championed their cause.

Mr. TAWNEY. I am not championing their cause. I believe it is right, and I am championing the cause of right.

Mr. BROMWELL. I conceive that there are many reasons fully as strong or stronger why the clerks or the carriers may claim the passage of their reclassification bills. The reason why the Post-Office Committee has not reported on either of these bills has been the condition of the public finances. We have been carrying on a war, and while we have a surplus on hand, it is true, we have not felt that it was possible up to this time to report on either or all of these bills, entailing an expense to the Government running into the neighborhood of probably \$10,000,000, not merely for this year, when we have our surplus, nor next year, when we expect to have one, but for all years, until we could see where we stood financially.

If we felt that we could not pick out one and show it favor as we did when we refused the reclassification of the other two classes, we surely ought not to pick out another which is no more meritorious than those that we have refused. The House has turned down two classification bills in connection with this bill. I do not believe it would be wise or fair to the gentlemen who have advocated and supported the classification of the clerks and carriers, and who conceded and practically yielded their wishes in favor of this bill in order that it might go through substantially as offered; I do not believe it would be fair to these classes of clerks and carriers or to gentlemen like my friend from Michigan [Mr. WM. ALDEN SMITH], who has risen and who waived his right to press the classification bill for the carriers in the interest of this bill, and I do not believe it would be fair to the other gentlemen who yielded in a similar way on provisions in which they were specially interested, like the gentleman from Wyoming [Mr. MONDELL].

Mr. WM. ALDEN SMITH. I would like to ask the gentleman from Ohio a question. The gentleman from Ohio has said that after turning down these two reclassification bills. I do not understand—

Mr. BROMWELL. That language may have been a little unfortunate. I meant in order to keep them out of this bill, partly by the concession of the gentleman from Michigan, who very kindly withdrew his own advocacy of the bill in which he was interested in order that this bill might go through.

Mr. WM. ALDEN SMITH. I want it understood that that was withdrawn in the interest of the passage of this bill.

Mr. BROMWELL. I did not mean anything offensive.

Mr. WM. ALDEN SMITH. I did not seek to embarrass the committee in pressing the codification bill at an inopportune time, but relying on the sense and the fairness and the justice of the committee to consider that proposition when the time came.

Mr. BROMWELL. I want to give the gentleman from Michigan credit for the public spirit that he manifested, and I hope the gentleman from Minnesota will follow his example and be entitled to the same words of commendation as the gentleman from Michigan.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I would like to ask the chairman of the committee if, in view of the courtesy that has been extended to the committee by the gentlemen on the floor of the House interested in obtaining consideration for the letter carriers and post-office clerks' bill, it does not seem proper that the Committee on the Post-Office and Post-Roads should extend a like courtesy to those members by taking some action on these various propositions for reclassification of the post-office clerks, Railway Mail Service clerks, and the letter carriers? Since I have been a member of Congress I have attempted to get the opinion and the vote of the House on each of these propositions, but never have been able to, because there has never been any legislation presented to the House which has enabled the House to vote on the measures.

Now, if the Committee on Post-Offices and Post-Roads is friendly to these measures, how is it that no opportunity is ever presented to the House to vote on them? We are ruled out on a point of order when the Post-Office appropriation bill comes into the House, made by the gentleman from California, as he has a right to do, and it seems to me that if the proposition is a laudable one, as the gentleman from Ohio states—and he is a member of the committee—some opportunity ought to be given the House to vote on the proposition.

I say to the gentleman in all fairness that it seems to me that if the House is to be asked to waive the consideration of these measures at this time, some agreement ought to be had with the members of the committee or the chairman of the Committee on Post-Offices and Post-Roads to give the House to understand that an opportunity will be afforded to consider the measures at some future time on their merits.

Unless some such agreement is forthcoming, I shall support the motion made by the gentleman from Minnesota [Mr. TAWNEY], because I think it is the only way to get a vote on the merits of these propositions.

I think the railway mail classification bill a most deserving one, and I shall cheerfully vote for the amendment offered by the gentleman from Minnesota unless an agreement is made to take up the matter before the adjournment of the present Congress.

Mr. BROMWELL. Mr. Chairman, it would be manifestly improper for me as a member of the committee to guarantee what the committee will do; but I wish to remind the gentleman from Massachusetts and other gentlemen that these classification bills have been in the past reported out of the Post-Office Committee and have gone on the Calendar. I have joined with the gentleman from Minnesota [Mr. TAWNEY] and other gentlemen in the request to the Speaker of the House that they might be given time for consideration. They were not given time, and the reason why the gentleman from Minnesota must know as well as myself. The Post-Office Committee have reported all three of the classification bills at least once since I have been a member of the committee.

Mr. FITZGERALD of Massachusetts. Have they been reported to the House in the last three Congresses?

Mr. BROMWELL. Oh, yes.

Mr. ROBINSON of Indiana. Mr. Chairman, I hope the gentleman from Ohio will allow it to be emphasized that the withdrawal of the other proposition was on the judgment of the chairman of the committee that the bill would not pass the Senate if those measures were incorporated in this bill.

Mr. LOUD. Mr. Chairman, I do not desire to debate the question, and I shall ask the House to defeat this amendment, and I ask for a vote.

Mr. TAWNEY. Mr. Chairman—

Mr. LOUD. Mr. Chairman, I move to close debate.

Mr. TAWNEY. I want to say a word in reply to the gentleman from Ohio inasmuch as he alluded to my opposition—

Mr. LOUD. I do not think it necessary. We have spent half an hour, of which the gentleman from Minnesota has had fifteen minutes. Now let us have a vote.

The CHAIRMAN. Does the Chair understand the gentleman from California to make a motion?

Mr. LOUD. Yes; that the debate be closed on this section and pending amendments.

Mr. TAWNEY. Mr. Chairman, I move as an amendment that the debate close in five minutes.

The CHAIRMAN. The Chair will state that the time for debate on the pending amendments has already expired.

Mr. TAWNEY. I move to amend by striking out the last word.

Mr. LOUD. I think the motion to close debate on the section is in order after debate has been begun.

Mr. TAWNEY. The Chair has already ruled that debate was closed by limitation.

The CHAIRMAN. The Chair understands the gentleman from California to move that debate on this section and pending amendment be closed.

Mr. TAWNEY. And I move to amend that; that it close in five minutes.

The CHAIRMAN. The Chair will put the question on the amendment to the motion offered by the gentleman from Minnesota. The question was taken; and the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from California, to close debate.

The motion was agreed to.

The CHAIRMAN. The question is on the adoption of the pending amendment of the gentleman from Minnesota [Mr. TAWNEY].

The question was taken; and there were on a division (demanded by Mr. TAWNEY)—ayes 36, noes 41.

Mr. TAWNEY. Tellers, Mr. Chairman.

Tellers were ordered; and Mr. LOUD and Mr. TAWNEY were appointed.

The committee again divided; and the tellers reported—ayes 48, noes 49.

So the amendment was rejected.

The Clerk read as follows:

SEC. 324. That the Postmaster-General may appoint as many railway postal clerks as may be authorized by appropriation for the prompt distribution and safe transportation of the mail, who shall be divided into five classes, and whose salaries shall not exceed the following rates per annum:

First class, not exceeding \$800.

Second class, not exceeding \$600.

Third class, not exceeding \$1,000.

Fourth class, not exceeding \$1,200.

Fifth class, not exceeding \$1,400.

The Postmaster-General in fixing the salaries of clerks in the different classes may fix different salaries for clerks of the same class, according to the amount of work done and the responsibility incurred by each, but shall not in any case allow a higher salary to any clerk of any class than the maximum fixed by this act for the class to which such clerk belongs; and the Postmaster-General may detail such numbers of railway postal clerks as he may deem necessary for duty in the various offices of the Railway Mail Service.

Mr. FITZGERALD of Massachusetts. I wish to make an inquiry of the chairman of the committee. I believe that section 324, just read, gives the Postmaster-General new powers in regard to the appointment of clerks in the Railway Mail Service. I believe this class of clerical work is now performed by men who are termed "railway mail clerks," and who receive the pay provided in the law in reference to the Railway Mail Service. Is that the situation?

Mr. LOUD. This provision is simply designed to carry out a regulation of the Department which has been in force a great many years. It gives the Postmaster-General power to detail railway postal clerks to the various offices of the Railway Mail Service. This power has never been specific in the law.

Mr. FITZGERALD of Massachusetts. In the postal service, as I understand, the clerks begin at a salary of \$500 a year. In examining the report accompanying this bill it struck me that this is a new section, giving the Postmaster-General, in addition to the authority he now possesses, the power to appoint clerks from the civil-service list to clerical positions in the various offices of the Railway Mail Service throughout the country at \$800 per year. If this is so, why not start all post-office clerks at \$800 per year?

Mr. LOUD. It simply says that the Postmaster-General "may detail."

Mr. BROMWELL. It does not say that he may appoint, but simply that he may detail.

Mr. FITZGERALD of Massachusetts. But in the beginning of the section the language is, "That the Postmaster-General may appoint as many railway postal clerks as may be authorized by appropriation."

Mr. LOUD. That is the present law. The Postmaster-General has the same power of appointment with reference to these offices as with regard to clerks in post-offices or in regard to letter carriers. He has the power to appoint so many as the exigencies of the service may require, subject of course to appropriations by Congress.

The Clerk, resuming the reading of the bill, read the following:

SEC. 325. That the Postmaster-General may fine, or suspend from duty without pay, any railway postal clerk for dereliction of duty or misconduct.

Mr. BARTLETT. I move to amend the paragraph just read by striking out the words "may fine or." Unless my view can be changed by something that the chairman of the committee may say, I do not believe that authority should be given to the Postmaster-General to impose a fine or penalty upon railway postal clerks or any other employee of his Department. If any clerk or employee fails to discharge his duty and deserves on that account to be suspended, it is very proper that the Postmaster-General should have power to make such suspension; but to permit the Postmaster-General or any other official to impose a fine or penalty for misconduct, without trial or anything of that sort, is, it occurs to me, a new departure.

The committee in its report concedes, as I understand, that this is a new provision, so far as the law is concerned. They state that such is the practice of the Department now, and they simply want to authorize the Postmaster-General by law to do what he is already doing under a custom or practice. If it is the custom or

practice for the Postmaster-General to fine employees of his Department for dereliction of duty or misconduct, it is a bad custom, a bad practice; and for one I do not desire to let such authority remain in the bill.

If a clerk neglects to perform his duty or is guilty of any misconduct, and if upon investigation the Postmaster-General determines that he ought to be punished, suspension for a definite time deprives him of his pay and is, it strikes me, a sufficient punishment. If in addition to that the Postmaster-General be authorized to add a fine or penalty, it gives him an authority which, in my judgment, ought not to be exercised.

Mr. BROMWELL. Will the gentleman allow me to put an inquiry?

Mr. BARTLETT. Certainly; I want information.

Mr. BROMWELL. I would like to inquire whether there might not arise cases in which it would be very injurious to the public service to suspend a clerk, even without pay, although he may have been guilty of some dereliction of duty? Might there not exist in certain cases such conditions that the public service would suffer by the suspension of the official, whereas he might be reached by some punishment which would not involve suspension—by the imposition, for instance, of a fair and reasonable fine? I think the gentleman will recognize, on reflection, the necessity of this provision. I will ask him, How does a fine necessarily differ in any way from a suspension without pay, either in the severity of the penalty or in the extent of authority exercised by the Postmaster-General? In other words, is not suspension without pay practically one way of fining?

Mr. BARTLETT. I think not.

Mr. BROMWELL. If the language of the bill be allowed to remain as it is, will not the Postmaster-General be allowed to impose a fine and yet permit the clerk to continue in the discharge of his duty, thus avoiding any interference with the public service?

Mr. BARTLETT. The Postmaster-General might suspend for a month a clerk receiving a salary of \$100 a month, and the suspension would be equivalent to a loss of \$100 by the clerk. But suppose the Postmaster-General should conclude to fine that employee \$200, then the Postmaster-General could impose a greater penalty than by simply suspending the clerk. In other words, Mr. Chairman, you put it in the power of the Postmaster-General to fine a man unlimitedly—not that he shall suspend the man without pay or discharge him, but that he may fine him at his discretion, and there is no limit fixed to the amount.

A MEMBER. What does the word "fine" mean in that connection?

Mr. BARTLETT. Well, the word "fine" of course means that the man shall be required to forfeit something, and ordinarily a fine is only imposed upon citizens of the United States as a punishment for crime by a tribunal having jurisdiction to ascertain the facts. I am not willing, Mr. Chairman, to put it in the power of the Postmaster-General or any other man to impose a penalty of this kind by a fine—an arbitrary penalty—which under our form of Government can not be imposed upon a citizen until he has been convicted under the law and by the law.

I have moved, therefore, to strike out the words that I have quoted and leave it with the Postmaster-General to suspend the man temporarily or permanently, in his discretion, for any dereliction of duty on the part of the employee.

But answering the question of the gentleman from Ohio as to the cases of emergency which he suggests, and which might arise, where it would not be in the interest of the public transaction of business to suspend a man, I apprehend that no difficulty or danger would arise from that source; because if a railway postal clerk were found on a trip to be guilty of some neglect in the discharge of his duty which would warrant the Postmaster-General in suspending him, it would scarcely endanger the public service seriously to let him go to the end of the run and then impose the penalty which it is in the power of the Postmaster-General to enforce by suspending him. The public would suffer much less, in my judgment, by letting such clerk finish a particular day's business than to put it in the power of the Postmaster-General, without limit, to impose such a penalty on a citizen of the United States as this bill would authorize.

Mr. ROBINSON of Indiana. If the gentleman from Georgia will permit me, I will suggest that there is another remedy invoked sometimes, and which is used in some instances, to remove objectionable people for even well performing their duty. And I have information from a gentleman of standing and character, saying that in his city, in one of the States of this Union, and without cause, removals have been made of people who have been actually and faithfully performing their duty—

Mr. BARTLETT. I do not desire, Mr. Chairman, to make that suggestion. Doubtless it is entirely true, as the gentleman from Indiana states. I have no question in my own mind that this power is at times improperly used, but I do not desire in this connection to refer to that condition of things. I am only referring to what seems to me to be the injustice of putting it in the

power of a man to impose an unlimited fine upon an American citizen without a hearing. I only wish to call attention to what seems to me to be a new departure, and, in my judgment, an unwelcome departure, in our law. I hope, therefore, the committee will see the propriety of not placing an American citizen in such a situation where he may be subject to a fine at the discretion of any one man.

Mr. LOUD. Mr. Chairman, this provision has been in practice for a very great many years, and no objection has ever been raised against it.

As has been suggested by my colleague on the committee from Ohio, there are many instances where a small fine would rather be accepted by the culprit than to be suspended. The committee, however, is not tenacious about it. We do this for what we regard as the best interests of the service. I am satisfied that the railway mail employees themselves prefer this provision and this power left in the hands of the Postmaster-General to either fine or suspend. If they are satisfied, certainly we ought to be. I know that they are satisfied with the provision as it is, and hope this amendment will not be adopted.

The question was taken on the amendment of Mr. BARTLETT; and it was rejected.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk resumed the reading of the bill, and read section 384.

Mr. BURKE of Texas. Mr. Chairman, I ask to recur to section 379 for a moment. Our attention has been called to the language of this section in line 4. Provision is made that in proceedings at law for money due the Department a suit in chancery may be instituted "in any United States district or circuit court," and so on. That is evidently a mistake of the committee. The district courts of the United States have no chancery jurisdiction, and I move to strike out the words "district or," so that it will read "in any United States circuit court."

The CHAIRMAN. The section will be again reported.

Section 379 was again read, as follows:

SEC. 379. That when proceedings at law for money due the Post Office Department are fruitless the Department of Justice may direct the institution of a suit in chancery, in any United States district or circuit court, to set aside fraudulent conveyances or trusts, or attach debts due the defendant, or obtain any other proper exercise of the powers of equity to have satisfaction of any judgment against such defendant.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection, and it was so ordered.

The Clerk read as follows:

SEC. 404. That whoever, being a postmaster or other person employed in any department of the postal service, shall improperly detain, delay, embezzle, or destroy any newspaper, or permit any other person to detain, delay, embezzle, or destroy the same, or open, or permit any other person to open, any mail or package of newspapers not directed to the office where he is employed; and whoever shall open, embezzle, or destroy any mail or package of newspapers not being directed to him, and he not being authorized to open or receive the same, and whoever shall take or steal any mail or package of newspapers from any post-office or from any person having custody thereof, shall be punished by a fine of not more than \$100, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Mr. BURKE of Texas. Mr. Chairman, I will state to the House that we propose now to offer two new sections to the bill, to be known as sections 405 and 407. I will state further to the House that these sections are new, and that they have been sent to the chairman of the Committee on the Post-Office and Post-Roads by the codifying commission appointed by the President. I am sure that a reading of the sections will show to the members of the House that they ought to be adopted. Their omission from the bill was simply an oversight of the codifiers. It will require a renumbering of the sections.

The CHAIRMAN. The Clerk will report the first amendment proposed by the gentleman from Texas.

The Clerk read as follows:

Insert, after section 404, the following:

"SEC. 405. Every accessory after the fact to the offense of stealing or taking any letter, or other mail matter, or any inclosure therein, shall be fined not more than \$1,000 and be imprisoned not more than five years."

Mr. BURKE of Texas. I will state to the committee that accessories were omitted in the codification of the law.

Mr. BARTLETT. I do not desire to oppose this amendment, but I desire to call the attention of the gentleman from Texas to the fact that there is considerable doubt, in the present status of the law, as to whether you can try an accessory after the fact until after the conviction of the principal. I mean that that doubt exists under the criminal laws of the United States. I talked with two of the gentlemen constituting the commission to codify the criminal laws of the United States, and they were of the opinion that such a conviction could not be had until after the conviction of the principal. The court of appeals of the fifth circuit of the United States differed on that question. I do not know whether the case ever came up to the Supreme Court of the United States or not.

The criminal laws of the United States are administered accord-

ing to the common law, where no statute has changed them, and I know that under the common law you can not convict an accessory after the fact until after the conviction of the principal. Now, if you put in this bill a provision for the trial and conviction of an accessory after the fact and prescribe a penalty, in post-office cases, I should like to ask the gentleman from Texas whether you do not prescribe a new rule with reference to offenses against the postal laws, different from that which exists now with reference to other offenses, and whether you desire to do that or not?

Mr. BURKE of Texas. I will state to the gentleman that I think that is not the case. It is not for us to indulge in speculation as to what the decision of the Supreme Court will be.

Mr. BARTLETT. I have not speculated. I have stated what I believe the present state of the law to be.

Mr. BURKE of Texas. That is the gentleman's opinion of the law, but the courts may come to a different conclusion.

Mr. BARTLETT. That is the opinion of the chairman of the commission and the opinion of Mr. Culberson, who was one of the ablest members of it.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

Mr. LOUD. Mr. Chairman, section 405, as it stood in the bill, should now be read, and the other amendment should come in after that section.

The CHAIRMAN. The Clerk will read the old section 405 of the bill.

The Clerk read as follows:

SEC. 405. That whoever shall rob any carrier, agent, or other person intrusted with the mail, of such mail, or any part thereof, shall be punished by imprisonment for not more than ten years; and if convicted a second time of a like offense, or if in effecting such robbery the first time the robber shall wound the person having custody of the mail, or put his life in jeopardy by the use of a dangerous weapon, such offender shall be punished by imprisonment for the term of his natural life.

The CHAIRMAN. The Clerk will now report the second amendment offered by the gentleman from Texas [Mr. BURKE].

The Clerk read as follows:

Insert, after old section 405, the following:

"Every accessory after the fact of any robbery of the carrier, agent, or other person intrusted with the mail, of such mail or of any part thereof, shall be fined not more than \$2,000 and be imprisoned at hard labor not more than ten years."

Mr. LOUD. Mr. Chairman, that will be section 407 of the bill; but the Clerk, of course, will renumber the sections.

The CHAIRMAN. The Clerk will renumber the sections. The question is upon the adoption of the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 406. That whoever shall assault any person having lawful charge, control, or custody of any mail matter, with intent to rob, steal, or purloin such mail matter, or any part thereof, shall be punished by imprisonment for not more than ten years.

Mr. LOUD. Mr. Chairman, I do not desire to go any further to-night, as there is a special order at 4 o'clock, and the gentleman from Georgia [Mr. ADAMSON], who is compelled to leave, desires to return to a section which has been passed.

Mr. ADAMSON. Mr. Chairman, by the consent of the chairman of the committee, I ask unanimous consent that we return to section 258.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to return to section 258. Is there objection?

There was no objection.

Mr. ADAMSON. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend section 258 by striking out lines 2 and 3, page 112, all after "therefore."

The question was taken; and the amendment was agreed to.

Mr. LOUD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12423, being a bill to revise and codify the laws relating to the Post-Office Department and the postal service, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 428. An act to amend the law establishing a port of delivery at Des Moines, Iowa.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WATERS, for three weeks, on account of important business.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT, from the Committee on Foreign Affairs, reported the bill (H. R. 13350) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

Mr. RICHARDSON of Tennessee. I desire to reserve all points of order upon the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

THE LATE HON. JOHN HENRY GEAR.

Mr. HEPBURN. Mr. Speaker, I call up the special order, and offer the following resolutions.

The SPEAKER. The gentleman from Iowa calls up the special order, which the Clerk will report.

The Clerk read as follows:

On motion of Mr. HEPBURN, by unanimous consent, it was ordered that Saturday, January 26, at 4 o'clock in the afternoon, be set aside to pay tribute of respect to the late Senator JOHN H. GEAR, from the State of Iowa.

The SPEAKER. The gentleman offers the following resolutions.

The Clerk read as follows:

Resolved, That it is with deep regret and profound sorrow that the House of Representatives hears the announcement of the death of Hon. JOHN HENRY GEAR, late a Senator from the State of Iowa.

Resolved, That the House extends to his family and to the people of the State of Iowa sincere condolence in their bereavement.

Resolved, That as a mark of respect to the memory of the deceased the business of the House be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Clerk transmit to the family of the deceased and to the governor of the State of Iowa a copy of these resolutions with the action of the House thereon.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That, as an additional mark of respect, at the conclusion of these exercises, the House do adjourn.

The SPEAKER. The question is on agreeing to the resolutions.

Mr. HEDGE. Mr. Speaker, as only the colleagues and companions of JOHN HENRY GEAR can properly and justly measure his service and fix his place in the House of Representatives, I shall, in my few words, venture only to mark some of his qualities as a private citizen, as a neighbor, and a friend; to bear witness to that attachment for his person, that confidence in his high purpose and in his mental and moral power with which his people of the First district of Iowa followed him to the end.

I do not know where to look for a truer type of the American. His birth, his breeding, and his own experience joined to build him up into nothing less. His Puritan ancestors dwelt in Old England, and then for five generations in New England—a vigorous, God-fearing, law-abiding line. His father, an Episcopal clergyman, had been sent by his church as a missionary to the Indians, and was dwelling among the remnants of the Five Nations where now is Ithaca, when, April 7, 1825, JOHN HENRY GEAR was born. His mother dying when he was 2 years old, he was taken to his grandmother at Pittsfield, Mass., and it was not until he was 11 years old that he became a conscious pioneer.

With his father the toilsome journey to the West was made in 1836. They sojourned first at Galena, then at Fort Snelling, on the western frontier of inhabited America; on the border line between the clearing of the white man and the hunting ground of the red man, and here the boy got all his preparatory schooling from what books his father could force upon him indoors and what he could lay hold of out of doors in the craft of his Indian familiar or soldier comrade.

At 18 he was ready for independent life and sailed down the Mississippi River to Burlington, Iowa Territory, to begin that life. He was readier than he knew; admirably and exactly fitted and equipped for the career that awaited him, without burdens or impediments. He brought to Burlington a sound body, a straight physical and mental vision, a steady nerve, a stout heart, a good conscience, a tireless energy, an instinctive belief in the good will and fair purpose of his fellow-men.

In Burlington he found the United States of America in its original elements, a gathering in miniature of the principal forces which were to perfect and strengthen the American Union.

I mean that by some strange providence had been brought there in the flower of youth representatives of all that was best of the original States—three of New England, New York, Pennsylvania, and Virginia—the force and virtue of Yankee and Knickerbocker, of Quaker, of Presbyterian and Catholic, of Puritan and Cavalier. They had come thither with the provincialisms, traditions, the prejudices, the ways of life, with all the peculiarities that characterized and separated their respective places of nativity; but in that wilderness these marks of character served only to distinguish and not to divide them. They rather drew them together, quickened mutual interest, and became the elements and forces of that reciprocal training which soon developed them all into Americans, lovers of a common country.

They were a sequestered colony whose communication with their old homes was infrequent and precarious. The Mississippi River was their only highway to the outer world. The rail fence that marked the western border of the white man's conquest was hardly one day's wagon journey from the river. Thence westward stretched in idle beauty the prairie and desert, an infinite silence, an illimitable solitude. For 2,000 miles not a furrow was turned, nor was ever heard the sound of the hammer in building temple or human dwelling. To these colonists every newcomer was an object of interest and of scrutiny. They had learned quickly to measure strength and to discern quality. At once and for good this simple stalwart from the Falls of St. Anthony, this gentle embodiment of strength, this visible good will, took possession of their hearts and found himself at home.

In those days there was but one social order among them; they had found no time to classify themselves, except between the useful and the useless. They were earning their living, establishing their homes, laying the durable foundations of a Commonwealth.

JOHN HENRY GEAR set at once to do what his hands found to do; first as farm hand, then as clerk in a country store at \$50 per year and board, then in the employ of the leading merchant of the town, William N. Coolbaugh, who was afterwards a noted banker and financier in Chicago, who soon took him into partnership in the establishment of which he afterwards became the head, and which chiefly occupied his energies until his entry into political office in 1871.

There is no time or need to count the steps of his progress. It was steady and it was always straight.

I shall not say that he was ever "too good for human nature's daily food." He was ever human enough to gain and to hold the affection of any true man, and ever good enough to win the confidence of any child.

He had "learned to labor and to wait;" was faithful to "the common round the daily task." He was sane minded. He saw no ghosts or phantasms. His feet were planted on the solid ground. He believed in the wisdom of the ages, and held to the arithmetic, the copy book, the Ten Commandments, and the Sermon on the Mount.

He was persuaded that every man had been sent into the world to serve the world, and, so believing, his every day was marked not only by usefulness, but by its own beneficence.

His human kindness embraced all those who needed kindness—not only the worthy and deserving, but that class most in need, the unworthy and unthankful.

Of the large hospitality of his delightful home I have not room to speak.

A model neighbor and citizen, he became a successful merchant, a promoter of commerce, a builder of highways, a man of affairs, the efficient helper in every enterprise which promised to hasten the progress or to enlarge the prosperity of his town and State.

I doubt if his own political preferment had ever been a subject of serious thought to him during all the years of his private life.

At the age of 46 he consented to be the candidate of his party for the legislature.

He was elected, and in his service manifested such aptitude for public business that on his reelection he was made speaker of the house, and succeeded himself as speaker on his third election. Then the people of Iowa desired him for their governor, and he became a famous governor, using those methods which had made his private business so successful in administering its laws, superintending its institutions, directing its affairs, and promoting its advantage. His faithfulness in few and lesser things had fitted him to be ruler over many things.

I shall not follow further the story of his political life. As new duties came, he seemed endowed with new power to fulfill them, going "from strength to strength." In all his advancement there was no change of character or loss of identity. He remained as faithful as the hills.

His life was full of labor, of happiness, and of honor, and it is perhaps his highest honor that at its end his people love and reverence his memory as that of their old familiar friend.

Mr. LANHAM. Mr. Speaker, it is with somewhat peculiar emotions that I join in the proceedings of this hour. I recall the changes that have occurred in the personnel of the delegations from Iowa and my own State since you and I, Mr. Speaker, first became members of Congress. Of your delegation only you and your worthy colleague, Mr. HEPBURN, are here. Of mine I alone remain. Some of them are living and engaged in other pursuits; some of them have passed away. It is apparent to us, as it must be to others, that we have traveled over the greater part of life's journey and must ere long follow those who have preceded us to the silent land. This retrospect and this prospect it may profit us to consider.

Mr. Speaker, obituary service is usual with us upon the death of one of our associates in Congress. It is meet that we should say something of the dead, and suitably commemorate the virtues

of the departed. Such service and such commemoration should be both solemn and sincere. Extravagant encomium should be avoided, and only just tributes should be offered. While it is right and of long observance to "speak well of the dead," it is not incumbent upon any eulogist to go beyond a faithful portrayal of the life and character of one deceased, as they may have been known and understood by him. Indeed, such portrayal is always the more meritorious when it is strictly candid and accurate, and, as such, must be all the more appreciated by surviving friends and relatives. I shall be guided by these considerations in my brief and imperfect contribution to this serious occasion, and say nothing that I do not believe to be entirely true.

I became acquainted with Senator GEAR in the Fiftieth Congress, when he was first a member of the House, and was at once interested in him. Bringing with him as he did a conspicuous record of former prominent public service in his State, a large experience in political and business affairs, and entering Congress somewhat late in life, I felt more than usually inclined to observe and study him, to learn and know him. He made a strong and unusual impression upon me. He was strikingly natural and singularly free from any sort of affectation. There was naught of veneer about him. He was notably plain and practical and straightforward. There was nothing in his dress, his mannerism, his form of speech, or his general conduct that did not attest his simplicity and sincerity. His mien and modus convinced any careful observer that he was an earnest, solid man, and one who could be thoroughly trusted in important concerns. His walk and conversation invited confidence and gave assurance that he was above dissimulation. No man ever felt "ill at ease" in his presence.

I think he was one of the most artless public men I ever knew. I never heard him speak a word or do a thing which seemed to be spoken or done for the mere sake of form. I once heard a compliment bestowed upon a worthy man, and which, though expressed in homely phrase, carried with it a wealth of commendation that no polished diction could surpass. It was this: "He was a good, square, everyday man." I would underscore these words and intensify their significance in submitting my estimate of Senator GEAR. He was the same good man each succeeding day of his life, with uniform upright bearing and generous demeanor. I believe that his humblest constituent would have been as kindly received and considerately treated by him amid his distinguished surroundings at the Federal capital as at his own home in Iowa. These traits of character and these modes of conduct are unfailing testimonials of real greatness and exalted worth.

The fidelity and efficiency with which he filled every engagement, the acceptability of his varied service to his people, their repeated indorsements of his course, and the eminent success he achieved all combined to proclaim him no ordinary man. He was equal to every demand upon him and faithful to every trust reposed in him.

He was possessed of a deep and comprehensive intellect, a ready discernment, and strong practical judgment. When he chose to express an opinion, it was direct and convincing—not ornate, perhaps, but sound and logical. He seemed disinclined to participate in public discussions, unless when manifestly impelled by a sense of duty and with a view to some substantial contribution to the subject under consideration. I think he had no patience with mere pro forma or useless utterance, and was quick to detect the animus that prompted it in others. He did not "stale his presence by custom" in unnecessary or irrelevant debate. When he did speak, it was with and to and for a purpose. Let us never underrate the quiet, thoughtful, silent man; for he has about him a reserve force all the more potential because not constantly exposed, and of him it may frequently be affirmed "Cum tacet, clamat."

A few words from such a man are oftentimes more influential than the habitual iterations of those given to much speaking. I think it is natural that as men grow older they become more conservative, more considerate of their speech, and feel a greater sense of responsibility for the dignity and weight and effect of what they may say, and at the same time less disposed to volunteer their views and suggestions, except when suitable results are in demand and duty calls for an assertion of their judgment. It was doubtless so with Senator GEAR. He had passed the impetuosity of youth and was impervious to the solicitations of sensationalism and ephemeral notice when he entered Congress. His ambition was to be useful; his desire to be right, not visionary nor meteoric.

I was one of the Congressional committee to attend his funeral. I never witnessed a similar occasion where there was such a large attendance of what we know as "country people," and I never saw stronger evidences of love and respect for the dead than they exhibited. Plain old men and women, who had doubtless known him for many years and been the beneficiaries of his attention and kindness, passed by and viewed his remains, and wept as they gave the last look at the face of their dear old friend. Their grief was general, and to me particularly apparent and touching.

Their expressions of sorrow showed that they were real mourners over his death. In their tributes I thought I discovered that devotion of kind hearts which is "more than coronets" and the true index of the remarkable popularity and distinguished career of our lamented friend, and that was that he was true to and beloved by the plain people of his community and State. While he challenged the admiration and esteem of all who knew him, they especially trusted him, and he did not forsake them. In this was his great strength, and in their affectionate, abiding, and grateful memory is to be found his best ultimate public reward. Greater recompense in this world can no man receive. He died full of years and honors. His long and useful life is ended. His noble career is finished. He hath left enduring "footprints on the sands of time," which those who come after him shall see and "take heart." In the last "sleep upon which he has fallen," and which must finally come to us all, may his rest be undisturbed.

Mr. LACEY. Mr. Speaker, Iowa is still a young State, and her great growth has been made within the recollection of men now living, and who can not yet be called very old. She has had sons and daughters, by birth and by adoption, whom she has loved and delighted to honor, and whose names have become household words throughout the land; but the best loved of all her sons was the man whose life and death we commemorate to-day.

Death is always a sorrowful event; but when it comes as it came to Senator GEAR, after he had passed six years beyond the allotted limit of human life, after he had reached the pinnacle of his ambition, death seems a coronation rather than an end.

JOHN HENRY GEAR has long been known to the people of Iowa. Nor was his fame limited by the boundaries of his State. His public life was long and eventful, though he was past middle life before he really entered on his career. He filled, with honor to himself and to his constituency, many responsible positions. His advancement was steady and persistent. He began at the bottom of the ladder and step by step made his way to the top, never losing his balance, not once forgetting his friends. As alderman, mayor, member of the legislature, speaker of the Iowa house, governor of his State, Representative in Congress, Assistant Secretary of the Treasury, and finally United States Senator he was always the same approachable, genial, courteous, painstaking public servant. He filled all of these various positions well; he worked consistently in them all, demonstrating his fitness to go higher. The people of Iowa showed their appreciation of his good works by electing him to a second term in the United States Senate, a term of service which would begin after he had passed his seventy-sixth year.

States and districts usually select to represent them the kind of a man that will best exemplify the character and habits of those who chose him. Iowa honored herself in selecting such a man, for the world judges the State by those it advances to high office. Commencing his life in penury, adversity only stimulated him to greater efforts.

Above all else, he honored and loved the State which was his home. I have known Mr. GEAR for many years, and I have often heard him say that he liked best of all the title "Governor," that which most intimately connected his name with the name of his State. He said:

When they call me "Senator," the idea is associated with the United States; when they call me "Governor," it means Iowa, and I like it.

When he was a member of the House his district and the one which I represent joined each other, and our relations in public affairs were very close. We were accustomed to hold joint meetings along the borders of the two districts in each campaign, and it was always a delight to me to see and hear the earnest welcome and applause he received from his constituents. His political opponents admired and respected him as much as his friends did, and the inquiry always was on the eve of an election, "How much will the Governor run ahead of his ticket?" for it was a matter of course that he would outstrip all others, his geniality and kindness of heart so endeared him to the people.

Nicknames do not attach to persons unless they seem to fit. Napoleon was called the "Little Corporal" by his friends; Jackson was "Old Hickory;" GEAR was "Old Business." In one Congress our seats were side by side and I learned to know him as I had not before. I was especially struck with his plain, practical good judgment. He was the genius of common sense.

He never studied law, but in his long public service as well as in business life he had that training which made him a good judge of law. I often submitted involved legal propositions to him to find out how they would strike the mind of a layman. It was remarkable how correctly he would answer, giving his reasons with force and clearness. It was a good illustration of the fact that the law is, in its last analysis, founded on pure reason.

Senator GEAR was a great worker, and by the untiring nature of his efforts overcame in a great measure the disadvantages of an inadequate scholastic education. Down to the very last days of his life in Washington he was seen going the weary round of

the Departments, neither neglecting nor forgetting any call of his people upon him. He did nothing for display. His success in life was the crowning reward of hard work.

In a long career like that of Senator GEAR his public life was connected with many important affairs, so that it is difficult to select the particular events in which his influence was most effectually felt. He has left a monument in the records of his State and nation. In Iowa he first suggested the idea of a board of control for the State institutions, and his plan was, in a subsequent administration, enacted into law. The work of tariff revision, which he helped to frame in 1890, he saw condemned, untried by the people, but he lived not only to be returned to Congress upon the same issue, but to see his course upon this question indorsed by national popular approval. The successful settlement of the claims of the Government against the Pacific railways was the crowning act of his public life, and was the last great measure placed in his charge.

He was a doer of things and not a sayer of them, yet as a public speaker he accomplished what many professional orators fail in; he convinced his hearers. His speeches were of the vote-getting kind, for he always made his position both plain and plausible.

No man was more free from prejudice and envy than he. He was not given to saying hard things of his political opponents, and he aspired to merit and win the good will of all with whom he was associated. That his friendship was sometimes abused did not cause him to lose faith in human nature. He did not fail to trust one friend because another had proved false.

In politics he was a regular, recognizing the necessity of united effort in accomplishing political results. He yielded his judgment in matters of detail when it was necessary to present a united front to the opposition, but gave way in nothing where principle was involved. In both the House and the Senate he enjoyed the most hearty respect of the opposition as well as the warm regard of his political friends.

In domestic life he was as fortunate as in his relations with public affairs. As a father and husband he gave us the best example of American manhood. In his marriage relations the twain were indeed one. Those who knew Senator GEAR best always associated him in their thoughts with the loving helpmate of his long and busy life, who aided him in all his plans and encouraged him in all his struggles.

JOHN HENRY GEAR has gone, but "his works live after him." By no other standard would he be judged. He sought not fulsome praise in life, and needs no flattering encomium in death. His loving heart sought only love, and this a grateful State and nation gave him in full meed. Measured by this standard of what he did, he stands forth a typical and great American.

Glory of warrior, glory of orator, glory of song,
Paid with a voice flying out to be lost on an endless sea;
Glory of virtue to fight, to struggle, to right the wrong;
Nay, but she cares not for glory; no lover of glory is she;
Give her the glory of going on, and yet to be.

This is the glory of the long life of JOHN H. GEAR. His work is done, but in the results of that long life his work goes on and yet shall be.

Mr. GROSVENOR. Mr. Speaker, members of Congress from the district or State from which a member comes have an opportunity to know more of the varied characteristics of a colleague than does a member from another State. He comes with the traditions and recollections of his association with his home State; the campaigns, the contests, the struggles of political parties, and the associations and friendships which have begun and grown and blossomed in the State being brought here; and so it is that members of Congress from the State of Iowa can better speak of all the details of the character of Senator GEAR than can a member of the House who knew him only in the official relations of the business of the House.

I came to Congress in the Forty-ninth Congress and Mr. GEAR came in the Fiftieth Congress. His progress in the House was very rapid. He became a member of the Committee on Ways and Means in the Fifty-first Congress—in his second term. I speak only from casual recollection, for I have no knowledge now, but I do not recollect the name of any one who reached that committee so early in his career in the House. He was a member of it at the time that the great contest over the tariff bill was the dominating question here. He must have been recognized early as a man of capacity in that line. I remember that he had charge on the floor of the House and elsewhere of the interests of the agricultural departments; and I remember with what detail he discussed every question during the long ten or twelve days that the House was in Committee of the Whole upon that bill. I knew him here in the House. I came to know him simply by the discovery which I made, that he never undertook to explain a matter that he did not thoroughly understand. Accuracy of detail accuracy of knowledge, was his strong point.

It has been said of him, not only here but in the Senate, that he

was not an orator; but he had the power of statement. He had that power which so rapidly communicates the thought of the speaker to the auditor. He had the power to make you understand the argument that he was submitting, and his speeches were always arguments. I never heard him make a speech—I never heard him using a single word or sentence—that he ever intended using anywhere else than here. He addressed the judgment, the sense, and the understanding of the House of Representatives, and apparently had no thought of the effect of his address outside. He was here always. He was one of the most faithful attendants, and I attribute his success and growth in the House in large part to his constant attendance on the sessions of the House. If I were to rise here in my place to deliver a lecture on the subject of the best road to preferment in the House of Representatives, I should say that that was the road traveled by JOHN HENRY GEAR; the road that finds a member listening to the prayer of the Chaplain and hears the echo of the gavel of the Speaker when he announces the adjournment of the House.

It was my observation that there was no question in the line of business here that he undertook to know anything about that he did not keep fully in touch with.

He was a strong party man. After I became acquainted with him I had a great deal of conversation with him upon the subject of party organization and party politics. While he very fully appreciated the patriotism and judgment of political opponents, he had a much higher and more exalted opinion of the views and judgment of the men of the party to which he belonged. He was not ashamed to say that he was a member of his political party and that he believed that party was always right, substantially, and that the other party was largely inclined to be wrong. He challenged the good opinion of the Democratic party in that way and always had it.

I was in Iowa once when a great gathering of the people at Burlington was going on. Governor GEAR met the party outside of the State and went with us to the city of Burlington and then westward, and I noticed that in the vast throng that crowded around the cars and that came upon the platform where speeches were going on he knew by name nearly everybody there. He may have missed the name of somebody, but I saw no one that he did not apparently call by some name, and usually it appeared to me that he had got the right name on the right person. He seemed to have that great faculty of knowing everybody, and everybody seemed to have the appearance of being very fond of him.

Very few men in this country have grown to the distinction that he did who did not enter public life at an earlier period. From the start he made in his own State, when he was past middle age until the time of his death, when he had reached old age, he made a steady and rapid progress forward. There could be no better testimonial of his standing and hold upon the people of Iowa than that under all the circumstances he received the election which he did to the term which he never entered upon under all the conditions that surrounded him. He will always be pointed out by the men in this House and the men of the present Senate and the men who knew him in public life in Washington not so much for the characteristics which his comrades can detail as he will be for one of those sturdy characters—honest, upright, persistent—who was always at the post of duty and always willing to share the burdens and labors that fell to his colleagues.

Mr. DALZELL. Mr. Speaker, I think it may safely be asserted that a lengthy experience in public life finds most men at its close with many acquaintances, but with only a limited number whom they regard with feelings of warm friendship. "Governor" GEAR, as I was always in the habit of calling him, was one of the men who, so far as I am concerned, is to be classed in the latter category.

Entering the House of Representatives at the same time—in the Fiftieth Congress—we were more or less intimate during the remainder of his life, and the news of his death came to me with a sense of personal loss. I had noticed with regret for some time his failing health and the characteristic courage and persistence with which, notwithstanding, he attended assiduously to every duty. Cut off suddenly in the midst of his public services, he may be said literally to have died as he would have wished to die—"in the harness."

His colleagues from the State of Iowa have given to us the details of his long and useful life, and it is no part of my purpose to repeat them. They furnish us the key to his character and the explanation of his success. Nothing is surer than that we are all of us more or less the product of our environment and that the existence of certain traits are to be accounted for by reference thereto. Governor GEAR came of a race of pioneers, of whom he was himself a worthy successor.

His missionary father found a congenial sphere of usefulness among the Indians and in the primeval forests of our earlier history. He carried the gospel and the lessons of civilization first to

the red men of the East and later on to those of our Western wilds, not counting the rigors of climate, the harsh conditions of semisavage life, and the absence of comforts as in comparison with the great work to which his life had been dedicated.

His steadfastness of purpose, his perseverance, his lofty conception of duty and his loyalty thereto, were the rich inheritance that he bequeathed to his son. To the talent to which he succeeded, the son, like the faithful servant of old, added yet other talents, which contributed much to the welfare of his fellow-men. Governor GEAR's characteristics were those of the pioneer. He was a plain man and unassuming, and yet possessed the aggressiveness needed to make his career a success. Commencing life apparently without any desire for power or place, he exhibited the qualities which attracted others to him and designated him as a fit counselor in their interests.

In whatever sphere he found himself he modestly and faithfully pursued each day its duty, and each day made progress. A farm hand, a store clerk, a trusted servant, a modest storekeeper, he finally became a prosperous merchant and a marked man in his community. Not seeking office, office sought him. From time to time the sphere of his usefulness broadened. He became an alderman of his ward, then mayor of his city, then assemblyman, then governor of Iowa, then a Representative in Congress, and at last one of the Senators of his State.

Governor GEAR was a brave man. As new responsibilities came he assumed them, knowing that with burdens taken up would come self-reliance. In the performance of his various duties he acquired a wealth of knowledge, practical in its character, which a wonderful memory made serviceable to mankind. He became thus a resourceful man. I have never known another who seemed to know more things worth knowing by a legislator and who knew them with more accuracy of detail than did Governor GEAR.

He was a member of the Ways and Means Committee in the Fifty-first Congress, and no man on that committee was more useful in the framing of legislation. It is safe to say that his was a large part in the framing of the McKinley law. Notwithstanding the fact that his business career was at that time a thing of the long past, there still remained his accurate and varied knowledge of prices, tariff rates, markets, and all the details necessary to the making of a tariff bill. He was for that reason one of the most efficient members of that great committee.

He was as diligent as he was wise. He gave to the duties of his committee continuous, unremitting attention. He was useful on the floor as well as in committee. While not what the public might term an orator, he was a forcible speaker, clear, concise, and persuasive in the presentation of his views. It may be that in his long service in House and Senate his name is not particularly connected with any great measure, nevertheless there were few such measures to which he did not give thought, consideration, and loyal service.

His was a pleasing personality, possessing the qualities which made and retained friends. He was even-tempered, well balanced, warm-hearted. He was an amiable man. No one could continuously have filled the places of honor and trust that he filled covering so long a period of time without having had an army of warm and loyal friends. That he retained these is the most conclusive proof that he was deserving of them. Like Abou Ben Adhem, he loved his fellow-men.

But it is not because Governor GEAR was a faithful and distinguished public servant that I bring this my humble tribute to him to-day. It is rather because he was my friend, and because I esteemed and admired him as such, and because his death has made the number of my friends one less. I can not think that there is anything to be bemoaned in his departure. It was not untimely. Full of years and of honors, he leaves the priceless heritage of an unsullied name and the record of a useful life well spent in the service of his kind.

He had so lived—

That when his summons came to join
The innumerable caravan, which moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death,
He went not, like the quarry-slave at night,
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust, * * *
He wrapped the drapery of his couch
About him, and lay down to pleasant dreams.

[Mr. RICHARDSON of Tennessee addressed the House. See Appendix.]

Mr. STEELE. Mr. Speaker, I thank the gentleman from Iowa [Mr. HEPBURN] for giving me an opportunity to say a word in appreciative memory of the friendship I enjoyed with JOHN H. GEAR.

Of the earlier boyhood days of Senator GEAR none are left to speak from personal knowledge. We are informed that from 1831, when he was 6 years of age, ten years or more were spent at Fort Snelling, then on the remote frontier. There he was neces-

sarily deprived of the advantages afforded by civilization. His father was dependent upon the meager salary of an Army chaplain. At this remote outpost even the necessities of life were secured at such cost that little was left either to husband for a rainy day or to provide for the education of his children.

It is not surprising, therefore, to those who knew Senator GEAR to read that at the age of 17 he left his old home behind him and went into the world to make a new home for himself. By the exercise of the rugged qualities which characterized him to the last of life, he succeeded not only in this ambition, but with a courageous spirit, a mind of native strength, and a reputation for honesty and sincerity which grew greater as he discharged the many public duties intrusted to him, he rose to a place of eminence in the councils of the nation.

I leave to others the history of his long and distinguished public career, and speak of him only as a friend. My acquaintance with him began in 1884, but not until 1887 did I know him well. We then became associated on the Committee on Military Affairs. This was during the Fiftieth Congress. Of the members of that committee at that time but two are members of the present House, and of the membership of that House there are but twenty-one in the present.

Senator GEAR's domestic life left nothing to be desired. He was devoted to his wife and children. Few men had more loyal and devoted friends than had he, and few men derived greater enjoyment from association with his friends. After the members of his immediate family, Iowans generally were naturally nearest his heart, and first of the first was, doubtless, his colleague, Senator ALLISON. Senator GEAR was a man of unusual ability, yet he was modest and unassuming, good of heart, honest, truthful, and loyal to his friends. He helped make the world better.

Mr. HULL. Mr. Speaker, for more than a quarter of a century it was my privilege to have in the person of JOHN HENRY GEAR a friend. During that time I learned to love him. I first knew him intimately during his connection with the general assembly of Iowa in 1872. In common with the other citizens of Iowa I recognized during the first few weeks of that session that a new and powerful and dominant factor had entered public life. I was associated with him then and in the succeeding session, when the two parties in Iowa were evenly balanced in the house, each having fifty members, his party selecting Representative GEAR as their candidate for speaker.

I believe I am safe in saying that every citizen of Iowa recognized that there was no other man on the Republican side who could have broken what was known as our "legislative deadlock," and the universal feeling among all the members who had served with him in the preceding legislature that he was absolutely fair and entirely honest was the only thing that made it possible for him to be elected speaker of the Iowa house the first time. His course in the legislature during his three terms of service was of such a character that the people of Iowa without regard to party recognized him as an able and honest and industrious public servant.

When he came to be named for the higher office—the highest in the gift of his people, that of governor—he received the support of his party and of many who did not belong to his party at the time because of their belief in him as a man.

During his service as governor I was associated with him on the executive council, being secretary of state. In this way I came to know him more intimately than I ever could have known him otherwise. And I take pride in saying that every act of his as executive of that great State was inspired by a desire to serve the best interests of his people, and that in every crisis coming to him during his administration he met the fullest expectation of the people of the entire State.

During this service, Mr. Speaker, I believe I found one of the secrets of his wonderful strength among the people. One element of his strength was his approachability. No divinity hedged him around, but every citizen could meet and talk with him and lay before him his grievance or his wants without any intermediary. Every child that met him upon the street received from him a kind word that made the child treasure the fact that he knew Governor GEAR.

An eminence upon which was situated the capitol of Iowa, with a long slope down to the river, was, in the winter days when GEAR was governor, the great coasting place for the young lad and lassies of Des Moines; and this man, who held the highest office in the State, would take pride as he went from the capitol in saying to them, "Let me have a ride with you," until every evening, as he left his office, there was a contest among the boys and girls of the capital city as to who should have the honor of taking the governor on the bobsled and coasting him down the long incline.

These things, Mr. Speaker, were done at the time simply from the kindness and goodness of his heart; but as the years passed on and when younger men were wanting to crowd him out of political position and take his place, on the ground that he was too

old to serve the State, these boys with whom he played in their early days and had grown to manhood, these young fellows who had met Governor GEAR when he was governor of the State and when he was active in State politics, rallied to his support and formed a solid phalanx and said to the people of the State of Iowa: "This man has performed such great, such honorable service that we all think it proper and right to renominate him and keep him in the Senate."

The gentleman from Ohio [Mr. GROSVENOR] in the course of his remarks upon the life and character of Senator GEAR has referred to his marvelous memory. When he was in active politics, Mr. Speaker, in Iowa, there was no man amongst all of our people who could meet men from every section of the State, in the convention or in the great political gatherings or the meetings of the legislature, and call as many men by name, locate them at their homes, speak of them as to their families and their family relations, to equal Senator GEAR or even approach him in that respect. His memory was something marvelous. He bore all of this great multitude of people not only in his brain, but in his great, generous heart.

JOHN H. GEAR, Mr. Speaker, was a type of a race of men who are rapidly disappearing in this country—the pioneers. Born of the sturdy stock that could conquer the wilderness and could overcome most of the difficulties of life, he helped to mold the policy of the great State, saw it rise to the highest honors of a State from a Territory, helped to make statehood possible to it, and aided as few other men did in the formation of the State in the early years of his political life. Mr. Speaker, men like him are rapidly passing away, leaving their descendants after them a very much better opportunity than they had, with more culture than was theirs, because of the hardships necessarily endured in those pioneer days; but no race of men of better fiber than those men of which Senator GEAR was a fitting type can be found in the annals of American history.

His loss will be mourned in Iowa while the generation now living there shall rule. His memory will be borne in the affectionate hearts of the people he served so well. We will build him an enduring monument in our State, in the affections of our children, and we can say to his friends that they can take pride in the fact that they were related in any way to this splendid specimen of American manhood and American statesmanship.

Mr. Speaker, I only regret that I have not had an opportunity to more effectively pay my tribute of respect and affection to the memory of my friend, the late Senator JOHN HENRY GEAR, who was also the friend of all the people and of all the interests of the great State of Iowa, as he was the friend of the best interests of the people of the entire United States. He is gone. We mourn him, and can say in all truth,

Go search the land of living men;
Where shall we find his like again?

The SPEAKER. The question is on the adoption of the resolutions which have been presented.

The resolutions were unanimously adopted.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that those gentlemen who were not able to be present this afternoon and who desire to print remarks in memory of our late colleague, Senator JOHN H. GEAR, may have that permission.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. It becomes the duty of the Chair now, in pursuance of the resolutions just adopted, to declare this House adjourned until 12 o'clock noon on Monday next.

Accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for deficiency in emergency fund, Navy Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, relating to appropriations necessary to carry into effect the agreement embodied in the joint resolution to provide for annexing the Hawaiian Islands—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for reclaiming flats in New York Harbor for a site for a marine hospital—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of War, transmitting a record of proceedings of board of survey convened to fix responsibility for loss of clothing and equipage for which Capt. John Newton is responsible—to the Committee on Military Affairs, and letter only ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BULL, from the Committee on Accounts, to which was referred the resolution of the House (H. Res. 365) for the employment of two additional clerks to the Committee on Enrolled Bills for the remainder of the present session, reported the same with amendment, accompanied by a report (No. 2505); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 12456) to amend certain sections of the Revised Statutes of the United States relating to the District of Columbia, as to the Metropolitan police, and for other purposes, reported the same without amendment, accompanied by a report (No. 2508); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLEARY, from the Committee on the Library, to which was referred the joint resolution of the Senate (S. R. 60) granting permission for the erection of a bronze statue in Washington, D. C., in honor of Gen. Francis E. Spinner, late Treasurer of the United States, reported the same without amendment, accompanied by a report (No. 2511); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 13850) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902, reported the same without amendment, accompanied by a report (No. 2512); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13623) to amend an act to incorporate the Masonic Mutual Relief Association of the District of Columbia, reported the same without amendment, accompanied by a report (No. 2506); which said bill and report were referred to the House Calendar.

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13783) relating to the Washington Gaslight Company, and for other purposes, reported the same with amendment, accompanied by a report (No. 2509); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12899) to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia, reported the same with amendment, accompanied by a report (No. 2510); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10188) for the relief of George W. Spencer, reported the same without amendment, accompanied by a report (No. 2507); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FLYNN: A bill (H. R. 13841) to amend an act to prohibit the passage of local or special laws in the Territories, to limit Territorial indebtedness, and so forth—to the Committee on the Territories.

By Mr. DALZELL: A bill (H. R. 13842) to authorize the Glassport Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania—to the Committee on Interstate and Foreign Commerce.

By Mr. OVERSTREET: A bill (H. R. 13843) to amend section 7 of "An act to establish circuit courts of appeal, and to define and

regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as amended by act approved February 18, 1895, and further amended by act approved June 6, 1900—to the Committee on the Judiciary.

By Mr. GRAHAM: A bill (H. R. 13844) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Texas: A bill (H. R. 13845) granting to the Alabama tribe of Indians in the State of Texas 25,000 acres of land—to the Committee on Indian Affairs.

By Mr. NEWLANDS: A bill (H. R. 13846) to authorize the construction of reservoirs for the storage of water and for other hydraulic works for the reclamation of the public lands within the arid and semiarid land States and Territories—to the Committee on Irrigation of Arid Lands.

By Mr. MONDELL: A bill (H. R. 13847) providing for survey, examination, and report, under the Secretary of the Interior, of the possibilities and cost of a comprehensive system of water storage in the arid region, and for other purposes, and making appropriations therefor—to the Committee on Irrigation of Arid Lands.

By Mr. KING: A bill (H. R. 13848) to establish a fish-hatching and fish station in the State of Utah—to the Committee on the Merchant Marine and Fisheries.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 13849) providing for extra sessions of Congress—to the Committee on the Judiciary.

By Mr. HITT, from the Committee on Foreign Affairs: A bill (H. R. 13850) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902—to the Union Calendar.

By Mr. SMITH of Kentucky: A resolution (H. Res. 391) for the employment of George N. Jesse as special messenger—to the Committee on Accounts.

By Mr. SOUTHARD: A resolution (H. Res. 392) for the consideration of H. R. 13099—to the Committee on Rules.

By Mr. KERR of Ohio: A resolution (H. Res. 393) to pay James A. Gibson \$480—to the Committee on Accounts.

By Mr. LAMB: A resolution (H. Res. 394) to pay Virginia A. Wise \$67.72—to the Committee on Accounts.

By Mr. CALDERHEAD: A concurrent resolution of the legislature of Kansas, condemning hazing at Westpoint—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BERRY: A bill (H. R. 13851) for the relief of the heirs of Margaret Kennedy—to the Committee on War Claims.

By Mr. CAPRON: A bill (H. R. 13852) to remove the charge of desertion against Nathan P. Randall—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 13853) amending the record of Roy V. Witter—to the Committee on Military Affairs.

Also, a bill (H. R. 13854) amending the record of Granville H. Twining—to the Committee on Military Affairs.

By Mr. KERR of Maryland: A bill (H. R. 13855) granting a pension to Lewis W. Merrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13856) granting a pension to Levin W. Bothum—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 13857) granting a pension to Sara Maria Jenks—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 13858) granting an increase of pension to Francis W. Pool—to the Committee on Invalid Pensions.

By Mr. MORRIS: A bill (H. R. 13859) granting a pension to Richmond L. Booker—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 13860) granting an increase of pension to Carpenter Bennett—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13861) for the relief of the legal representatives of the estate of Thomas F. Brumby—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 13862) granting an increase of pension to Francis X. Soleau—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARBER: Petition of citizens of Easton, Pa., favoring provision for an adequate and permanent supply of water for the Pima and Papago Indians—to the Committee on Indian Affairs.

By Mr. BROMWELL: Petition of gaugers and storekeepers of

Cincinnati, Ohio, and vicinity, asking for vacations—to the Committee on Appropriations.

By Mr. CALDERHEAD: Petition of National Pure Food and Drug Congress, favoring House bill No. 9677, known as the Brossius bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CONNELL: Resolutions of the Presbytery of Lackawanna, Pa., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. DENNY: Petition of Young Women's Christian Association of Baltimore, Md., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. ELLIOTT: Resolutions of the Young Men's Business League of Charleston, S. C., advocating an appropriation for extension of geological survey to the Piedmont and mountain sections of Eastern States, and investigation of artesian water supply of South Atlantic and Gulf States—to the Committee on Appropriations.

Also, resolutions of the Young Men's Business League of Charleston, S. C., favoring the enlargement of the work of the Geological Survey so as to include mapping of forest regions in Southern and Eastern portions of the country—to the Committee on Appropriations.

Also, resolutions of the Young Men's Business League of Charleston, S. C., favoring the appropriation asked for by the Secretary of Agriculture to enable him to cooperate with the various States in examining into the best modes of securing permanent road building—to the Committee on Agriculture.

By Mr. GASTON: Petition of the internal-revenue gaugers, storekeepers, etc., of the Twenty-third revenue district of Pennsylvania, for sufficient appropriation to provide for their vacation without loss of pay—to the Committee on Appropriations.

Also, petition of W. N. Todd and others, of East Springfield, Pa., urging the banishment of the liquor traffic in Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRAHAM: Petitions of Mrs. William C. Lilley and citizens of Pittsburg and Allegheny, Pa., and vicinity, and Mrs. F. H. Montague and others of Washington, D. C., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of gaugers and storekeepers in the internal-revenue service of the Twenty-third district of Pennsylvania for sufficient appropriation to provide for them vacations without loss of pay—to the Committee on Appropriations.

By Mr. HOPKINS: Petition of P. Austin and others, of Woodstock, Ill., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. LACEY: Papers to accompany House bill No. 8715, granting a pension to Lewis Bryan—to the Committee on Invalid Pensions.

By Mr. McCLELLAN: Petition of 9 citizens of New York, to accompany House bill No. 12697, for the removal of the charge of desertion against Bernard Reuter—to the Committee on Military Affairs.

By Mr. McDERMOTT: Petition of Lafayette Methodist Episcopal Church, of Jersey City, N. J., favoring uniform marriage and divorce laws and certain other measures—to the Committee on the Judiciary.

Also, petition of Rev. Charles Herr and others, asking for the abolishment of the traffic in liquor in Africa—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Jersey City, N. J., urging the passage of a measure providing a permanent supply of live water for irrigating purposes for the Pima and Papago Indians in Arizona—to the Committee on Indian Affairs.

By Mr. MOON: Petition of M. Martin and others, of the Third Congressional district of Tennessee, for the repeal of section 4716 of the Revised Statutes of the United States, refusing pension money to heirs of any person who aided in the late rebellion—to the Committee on the Judiciary.

By Mr. OLMSTED: Petition of the Christian Endeavor Society of the Fourth Street Church of God, Harrisburg, Pa., in favor of an amendment to the Constitution against polygamy, and other reform measures—to the Committee on the Judiciary.

By Mr. SIMS: Resolutions of the Commercial Club of Knoxville, Tenn., in favor of an appropriation for the special or fast-mail service between New York and New Orleans via Atlanta—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Chamber of Commerce of Knoxville, Tenn., favoring the establishment of a national park in the mountains of Tennessee and North Carolina—to the Committee on the Public Lands.

By Mr. YOUNG: Resolutions of select and common councils of Philadelphia, Pa., in favor of Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Hance Bros. & White, Philadelphia, Pa., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

Also, petition of the American Powder Association, of New York, favoring House bill No. 12973, for pure-food legislation—to the Committee on Interstate and Foreign Commerce.

Also, petition of Simon Lake, of New York, in relation to the purchase of additional submarine boats for the Navy—to the Committee on Naval Affairs.

By Mr. ZENOR: Sundry affidavits to accompany House bill No. 2478, for the relief of Aaron M. Applegate—to the Committee on Claims.

SENATE.

MONDAY, January 28, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. BUTLER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

TRANSFER OF OBSOLETE ORDNANCE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Secretary of the Interior, together with copies of correspondence, recommending legislation permitting the transfer from the War Department to the Interior Department for use in Indian training schools all such rifles or guns of obsolete pattern as may no longer be needed for Army purposes, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

BALTIMORE HARBOR IMPROVEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a concurrent resolution of the 21st instant, a letter from the Chief of Engineers, United States Army, together with the copy of a report from the local engineer officer, Lieut. Col. O. H. Ernst, Corps of Engineers, relative to the estimate of the cost of deepening the channel of Curtis Bay, Baltimore Harbor, Maryland; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

EDUCATION IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 19th instant, copies of the report of General MacArthur and accompanying report of military officers performing educational work on the subject of education in the Philippine Islands; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

CREDENTIALS.

Mr. JONES of Arkansas presented the credentials of JAMES H. BERRY, chosen by the legislature of the State of Arkansas a Senator from that State for the term beginning March 4, 1901; which were read and ordered to be filed.

Mr. CULBERSON presented the credentials of JOSEPH W. BAILEY, chosen by the legislature of the State of Texas a Senator from that State for the term beginning March 4, 1901; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had appointed Mr. DALZELL, Mr. GROSVENOR, and Mr. RICHARDSON of Tennessee members of the committee on the part of the House to make the necessary preparations for the celebration of the one hundredth anniversary of the day when John Marshall became Chief Justice of the Supreme Court of the United States.

The message also transmitted to the Senate the resolutions of the House commemorative of the life and public services of Hon. JOHN HENRY GEAR, late a Senator from the State of Iowa.

AFFAIRS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair calls the attention of the Senate to the following cable message from Manila. The Secretary will read it to the Senate.

The Secretary read as follows:

MANILA, January 27, 1901.

PRESIDENT OF SENATE and SPEAKER OF HOUSE,
Washington:

Accessions to Federal party by thousands in all parts of the archipelago. Attitude of hitherto irreconcilable press and general public opinion show that labors of party to bring peace will soon be crowned with success. Until now political parties have attempted formation on plans more or less questioning American sovereignty. Our platform makes main plank sovereignty United States, with liberty to each citizen to pursue peacefully his political ideals. Hour of peace has sounded, for on our platform are grouped many Filipinos of hitherto irreconcilable ideas, but some more obstinate decline to

join, for though willing to accept sovereignty of United States, prospect of indefinite continuance of military government makes them distrust purposes of the United States and delays their submission. Adjournment of present Congress without giving President authority to establish purely civil government, with usual powers, and postponement for at least year of such government, until new Congress, will certainly confirm this distrust. Directory Federal party believes conferring such authority on President would inspire confidence, hasten acceptance sovereignty of Union and coming of peace. Directory therefore prays both Houses of Congress to authorize President McKinley to establish civil government whenever he believes it opportune.

FRANK H. BOURNS,
DR. PARDO DE TAVERO,
FLORENTINO TORRES,
AMBROSIO FLARES,
JOSE NER,
TOMAS DEL ROSARIO,
C. S. ARELLANO,
Directory of Federal Party.

The PRESIDENT pro tempore. The communication will be printed and referred to the Committee on the Philippines.

PETITIONS AND MEMORIALS.

Mr. KYLE presented a petition of the Commercial Club of Sturgis, S. Dak., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial Club of Sturgis, S. Dak., praying that an appropriation be made for the construction of reservoirs to aid in reclaiming arid lands; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. DEBOE presented a petition of sundry citizens of Prestonsburg, Ky., praying that one of the Federal courts proposed in the bill to divide the State of Kentucky into two judicial districts be established at Catlettsburg, in that State; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry gaugers, storekeepers, and storekeeper-gaugers of the Fifth collection district of Kentucky, praying for the enactment of legislation to amend the provisions of the statute, as recommended in the annual report of the Commissioner of Internal Revenue for the year 1900, to provide such additional appropriation for payment of officers of this class as will admit of granting a leave of absence with pay for two and one-half days for each month of thirty days that they are actually assigned to duty, and that they be allowed to claim in their pay accounts the maximum rate of pay allowed them under their assignment for such days as they may be granted leave, etc.; which was referred to the Committee on Finance.

Mr. TELLER presented a petition of sundry citizens of Pueblo, Colo., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. QUABLES. I present a joint resolution of the legislature of Wisconsin, relative to the indemnity swamp land claim of the State of Wisconsin against the United States. I ask that the joint resolution lie on the table and that it be printed in the RECORD.

The joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

WISCONSIN LEGISLATURE, SENATE CHAMBER,
Madison.

Joint resolution in the matter of the indemnity swamp-land claim of the State of Wisconsin against the United States.

Whereas a bill known as 793, Senate, was heretofore introduced by the Hon. JOHN C. SPOONER in the Senate of the United States and duly passed by that body; and

Whereas said bill is now pending and undetermined before the House of Representatives; and

Whereas said bill should be immediately enacted into law, and by its provisions the State of Wisconsin would receive indemnity for swamp lands heretofore granted to the State from the United States for a large amount: Now, therefore, be it

Resolved by the senate, the assembly concurring, That the members of the House of Representatives from the State of Wisconsin be, and they hereby are, requested to use all honorable means to procure the immediate and final passage of said bill, and that a copy of this resolution be transmitted to each of said members.

Mr. FORAKER submitted sundry papers to accompany the bill (S. 5534) for the relief of Col. Azor Nickerson; which were referred to the Committee on Military Affairs.

BREAKWATER AT SANDY BAY, MASSACHUSETTS.

Mr. HOAR. I move that sundry letters now in the possession of the Committee on Commerce from certain naval officers of the United States relative to the breakwater at Sandy Bay, Massachusetts, be printed as a document for the use of the Senate.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 5623) granting an increase of pension to Joseph McGuckian, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HOAR, from the Committee on the Judiciary, to whom was